

ROUTLEDGE STUDIES IN ANCIENT HISTORY

Roman Elections in the Age of Cicero

Society, Government, and Voting

Rachel Feig Vishnia



VISIT...

LANZAROTE
Caliente.com

ROUTLEDGE STUDIES IN ANCIENT HISTORY

Roman Elections in the Age of Cicero

Society, Government, and Voting

Rachel Feig Vishnia



Roman Elections in the Age of Cicero

Routledge Studies in Ancient History

1 Cicero and the Catilinarian Conspiracy

Charles Matson Odahl

2 Ancient Graffiti in Context

Edited by Jennifer Baird and Claire Taylor

3 Roman Elections in the Age of Cicero

Society, Government, and Voting

Rachel Feig Vishnia

Roman Elections in the Age of Cicero

Society, Government, and Voting

Rachel Feig Vishnia

First published 2012
by Routledge
711 Third Avenue, New York, NY 10017

Simultaneously published in the UK
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2012 Taylor & Francis

The right of Rachel Feig Vishnia to be identified as author of this work has been asserted by her in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Trademark Notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

Library of Congress Cataloging-in-Publication Data

Feig Vishnia, Rachel, 1950–

Roman elections in the age of Cicero : society, government, and voting / by Rachel Feig Vishnia.

p. cm. — (Routledge studies in ancient history ; 3)

Includes bibliographical references and index.

1. Elections—Rome. 2. Rome—Politics and government—265–30 B.C.

I. Title.

JC85.E4F45 2011

324.937'05—dc23

2011032046

ISBN13: 978-0-415-87969-9 (hbk)

ISBN13: 978-0-203-13329-3 (ebk)

In Memoriam
Zeev (Zeevik) Rubin
(September 23, 1942–May 28, 2009)

Contents

Preface and Acknowledgments

1 Historical Survey

2 Roman Society

3 Principles and Structure of Republican Government

4 Elections

Epilogue: Between Oligarchy and Democracy

Notes

Bibliography

Index

Preface and Acknowledgments

This book is an extensively revised and updated version of my book “Elections, Elected and Electors in Late Republican Rome,” which was published in Hebrew by Tel Aviv University Press in 2008. The original version includes a translation into Hebrew of the fragments of Marcus Tullius Cicero’s speech *In Toga Candida* as preserved by Asconius and of the *Handbook of Electioneering* (*Commentariolum Petitionis*) attributed to his brother Quintus Tullius Cicero. Since there are good translations of these texts in English,¹ I did not deem it necessary to provide yet another translation.

Some two and a half decades of teaching courses on the Roman Republic to students who had practically no prior knowledge of this period (and at times no interest either), and yet who evinced lively curiosity whenever we dealt with topics that still have great relevance for societies today—led me to believe that a book designed as a teaching aid, combining the “basics” of Roman history, society and government with an examination of a key feature of the republican political culture that readily lends itself to comparison with modern phenomena, could be useful to both undergraduate and graduate students, as well as appealing to a wider readership.

It was only natural to concentrate on elections, perhaps the most prominent and constant feature of Roman republican politics. For about a half a millennium elections were held every year for the various annual senior magistracies (whose number increased over this period, reaching 44 during the last three decades of the Republic). The designate magistrates, who had been elected only after vigorous canvassing, did not enter office immediately after the elections, but only several months later. Consequently, no sooner had the sounds of campaigning died down and the results of one election announced than the city of Rome began girding itself in preparation for the next one. Thus, for example, Marcus Tullius Cicero, who was elected as consul for the year 63, launched his campaign as soon as the results of the elections for 64 were announced—namely, in July 65.²

Although it is evident that the patterns of Roman elections changed over time, the sources that have survived relate to the period chosen for discussion in this book, namely “the Age of Cicero.” The ample Ciceronian corpus together with the writings of Sallust, Plutarch’s biographies of the key figures of the period, relevant chapters from Dio Cassius, and many other subsidiary ancient authors, provide a rare

picture of the Roman political scene in general and of elections in particular.

The book attempts to build knowledge gradually: Part I offers a brief historical overview of the history of the Republic until Caesar's crossing of the Rubicon in 49, which heralded its collapse. It is not intended to be a substitute for textbooks providing a detailed history of the Roman Republic, but is rather designed to present the backdrop to the period in question and to highlight the problematic issues that characterized it.³ Part II explores Roman society, its administrative, fiscal, and social divisions, while explaining its hierarchies, intricacies, and peculiarities. Part III serves as a short but comprehensive introduction to the republican system of government, presenting the interrelations between the three "Polybian" elements. Part IV deals with elections and electioneering, investigating this important and vital element in Roman republican culture via questions relating to modern elections, thus providing a different viewpoint on Roman elections. In this part, the knowledge acquired from the previous chapters allows for a more elaborate discussion on elections and their significance.

The various parts are divided into multiple short sections that can serve as manageable independent teaching assignments and convenient points of reference. Naturally, in a book such as this, some topics appear more than once, since they are relevant to a variety of contexts, so that it was not always possible to avoid repetition. Abundant cross-references allow easy browsing and access to topics that have multifarious relevance. This also makes the book accessible to a wider audience interested in political history in general and electoral practices in particular.

It is of course impossible to address Roman elections during the last decades of the Republic without taking into consideration the lively, contentious, and ongoing discussion kindled by Fergus Millar some two and a half decades ago on the role of the masses in an aristocratic regime and on the nature of Roman republican government. I chose to engage with this debate by focusing on elections because of their dominant role and significance in shaping the political scene of the Roman Republic, and hence their ability to shed some additional light on the mechanisms and problematics of the republican system of government.

All translations are from the Loeb classical series (sometimes with minor changes), and all dates, unless otherwise stated, are BCE.

On completion of this book, it is a real pleasure to thank friends and colleagues who helped me bring it to fruition. I am grateful to Jonathan Orr Stav who translated the original Hebrew version into English. Although I revised the text profoundly, taking off many

paragraphs and some chapters while adding new ones, his lucid translation greatly facilitated the reassessment and revision of the original work. I am greatly indebted to my dear friend, Philippa Shimrat who polished the English and provided, as usual, very sound advice on the book's content. To Avi Laniado and Rachel Zehnik-Abramovitz who helped me in the labourious task of proofreading, to Merav Haklai and Oded Arbel for their useful remarks, and to Amnon Jackont, who volunteered to read the text as a representative of the "wider public," for his sound judgment and notes. I am most grateful to Aviad Kleinberg, head of Tel Aviv University Press for his generous help with both versions. To Laura Sterns and Stacy Noto of Routledge, and Eleanor Chan of IBT Global, for their cooperation, encouragement, and patience.

My teacher, colleague, and close friend, Zeev Rubin, with whom I shared an office for nearly twenty years, passed away suddenly on May 28, 2009. He was not yet sixty-seven years old. Zeevik, as we all called him, was an outstanding scholar. Few are endowed with his exceptional talents; fewer have assembled such an impressive and incredible array of learned skills and tools over the years. His works spanned some five centuries and more, encompassing several continents and cultures that demanded close familiarity with many, sometimes practically extinct, ancient languages. He began as an historian of the Roman Empire under the Antonine and the Severan dynasties, but in the last decade and a half of his life, he had changed his vocation and became an autodidact iranologist. As such he had a great advantage, since he was intimately familiar with Sasanid Iran's mighty neighbors: the late Roman and the Early Byzantine empires. He was not, strictly speaking, a historian of the Roman Republic, yet he was thoroughly familiar with the relevant ancient sources, and, although there was little correspondence between our respective fields of research, he was always able to comment on my work. Zeevik went over the Hebrew version thoroughly and contributed greatly in the shaping of the final product. He was particularly helpful with the translations from Latin to Hebrew; his prodigious erudition saving me on more than one occasion from embarrassing errors. He was a never failing source of support and encouragement throughout the years and I constantly drew on his extraordinary knowledge of Roman history and the ancient languages. He is greatly missed. This book is dedicated to his memory.

Tel Aviv
April 2011

1 Historical Survey

Tradition had it that Rome was founded in 753 by Romulus, a descendant of Aeneas, son of the Trojan prince Anchises and the goddess Venus, who escaped from smoldering Troy and reached Italy after a long and arduous journey. Romulus ruled Rome until 715, followed by a succession of six kings. The first three—Numa Pompilius (715–673), Tullus Hostilius (673–642), and Ancus Marcius (642–616), appear to be legendary, but their successors, Tarquinius Priscus (616–579), Servius Tullius (579–534) and Tarquinius Superbus (the Proud, 534–509) were most likely real historical figures. Servius Tullius, who seized power illegally, completely restructured archaic Roman society as well as its territory and army and laid the foundations for an entirely new entity (p.36). His successor Tarquinius Superbus seized the throne by force, ruled as a tyrant, and was finally deposed in 509 by a group of nobles from his own court. After his expulsion, the Romans chose not to elect a new king but to establish a new regime headed by two consuls. To ensure that no one man ever again wielded exclusive power, it was also decided that the two consuls would be of equal authority and replaced every year by election.

In the two centuries that followed—a period commonly known as the Early Republic—Rome fought its neighbors in Latium, and then beyond in Italy, continuously and relentlessly, initially for its survival and subsequently for the purpose of expanding its territory and power. All the while, an intricate and fierce, but entirely bloodless, domestic political struggle was waged inside Rome between scions to old and esteemed families, who called themselves patricians (p.42) and managed to secure for themselves exclusive control of the young regime's positions of power, and an elite group from among the rest of the population, the *plebs*, that was forged under the last kings, who sought not so much to remove the patricians from power as to share it with them. The lengthy conflict that ensued, known as the “conflict of the orders,” which began when some of the *plebs* seceded from the city in 494, ran its course when the plebeian elite families were eventually made full partners in the governance of Rome, in most of the religious priesthoods and magistracies. By 270 or thereabouts, with the completion of the subjugation of peninsular Italy and the domestic conflict, two processes which were closely intertwined, Rome's government, distinguished by its tripartite bastions of power—the

magistrates, the senate, and the popular assemblies—was fully shaped. Moreover, Rome, which had begun as a small city-state on the banks of the Tiber, became the master of peninsular Italy. Roman citizens were sent to settlements throughout Italy, and Rome imposed its authority upon all other Italian communities through a complex and astute web of treaties. These prohibited Rome's allies from dealing in matters that we would call foreign policy or national security, and from entering into alliances with one another, but otherwise permitted them to conduct their own internal affairs independently in accordance with local custom. Rome gave Italy security and stability, and in return, her allies—who were essentially stripped of their sovereignty—supplied troops for the Roman army.²

With the benefit of a stable political regime headed by a patricio-plebeian elite (*nobilitas*),³ and with a seemingly inexhaustible reservoir of military manpower drawn from its own citizens and those of its Italian allies, Rome eventually extended its dominance in Italy as far as the Alps. In a prolonged sequence of battles overseas (a period dubbed the Middle Republic, approximately 287–133), it successfully defeated Carthage, the Macedonian Kingdom, and the Seleucid Empire—all wealthy, powerful, and long-established regional powers. It wrested Sicily, Sardinia, Corsica, and Spain from the Carthaginians, turning them into Roman provinces, and in 146 razed both Corinth and Carthage to the ground. Neither of these prosperous cities posed any threat to Rome's domination, but it refused to brook any competition, however ineffective, to its position as the undisputed master of the Mediterranean basin.

The long wars overseas, the conquests, the huge amounts of spoils that poured into Rome in the form of various goods and slaves, and the encounter with the materially and intellectually rich East led to profound and irreversible changes in Rome's social and economic fabric during the second century BCE. Roman commanders plundered the treasures of the conquered lands, enriching themselves in the process and competing with ever-growing ferocity for magistracies that came with military commands, glory, power, and wealth. So great were the revenues from the Third Macedonian War that in 167 Roman citizens were exempted from direct taxation. New economic classes emerged from among the *equites* (p.48), who had grown rich from oiling the wheels of the constant military campaigning, sharing its rewards with the ruling elite. At the same time, tensions grew between these two groups over both domestic and foreign issues.

The Roman peasantry, however, Rome's primary source of military manpower, was becoming increasingly impoverished by the endless military campaigning far from home. After many years at the front, farmers were forced to sell their lands to settle debts, or simply had

them seized by the upper classes who began amassing large estates (*latifundia*) tended by slaves, the produce of which was mostly earmarked for the military, which was deployed throughout the Mediterranean. In search of a better life, some of the peasants migrated to the many Roman colonies founded in northern Italy in the first quarter of the second century BCE. Others moved to Rome itself, which had changed from the political-judicial-religious center of its rural surroundings to the bustling capital of an empire. There, these former peasants joined up with a new type of citizenry—freedmen, former slaves of non-Italian stock—who thronged the city and created a new phenomenon that Rome had never known before: a permanent urban population whose needs were totally different (p.51).

The impoverishment of the peasantry led to a depletion of the Roman army's main recruitment source, and to fill its legions' ranks it began recruiting from the lower property-owning classes, who in the past had generally been exempt from military duty except in times of crisis. The shortage of manpower on the one hand, coupled with a growing number of military missions on the other, led to excessive conscription from among the Italian allies.⁴ These troops, who throughout most of the second century BCE formed the majority of those fighting in far-off and rowdy Spain, did not enjoy the same treatment and rewards of victory as their Roman citizen comrades, and to make matters worse, in Italy, local dignitaries were often treated with disdain by Rome and its representatives.

Roman institutions, which had been conceived to run a medium-sized city-state, were now in charge of a sprawling empire. The ruling elite, out of narrow class-based interests, did its utmost to retain its centralized power and continued to rule the empire with remarkable vigor and efficiency in view of the small number of its officials. But the burden of responsibility for huge swathes of territory overseas began slowly but surely to eat away at the foundations of the republican regime.

In 133, Tiberius Sempronius Gracchus, a tribune of the *plebs* (p.73) and a scion of one of the most distinguished Roman families, was among the first to identify some of these cracks in the power base of the governing elite. The solution, he believed, was to return to the countryside the thousands of Roman citizens who had been deprived of their ancestral small-holdings due to the lengthy wars and thus revive the peasant class from which the elite had traditionally drawn both its political support and its warriors. Since there was no longer any unclaimed land in Italy, Tiberius sought to return all public land (*ager publicus*) held in excess of the legal limit (500 *iugera*, approximately 125 hectares) to the ownership of the state, and to distribute the reclaimed lands among the needy. It was a logical step

and, essentially, one that was in accordance with long-standing Roman practices. There was a major drawback, however—the rich, among them a considerable number of senators, stood to lose most from such a measure since they had been unlawfully occupying public lands for generations and had come to regard these as their own.

Tiberius Gracchus and his supporters—all senior and experienced politicians⁵—had little illusions as to the reaction of their senatorial counterparts to this measure. Some ten years earlier, Gaius Laelius, a “new man” (p.46) and a close friend of Scipio Aemilianus (the destroyer of Carthage), had introduced a similar bill but had been persuaded to withdraw it—for which he was dubbed *Sapiens* (the “Wise”).⁶ To sweeten the pill, Tiberius offered generous compensation for the return of public property to its rightful owner—the state. But the senators objected to the proposal nonetheless, and Tiberius Gracchus—for reasons still unfathomable—decided to push the measure through. To do so, he violated one of the carefully observed rules of the Roman political game: he did not present his bill to the senate before bringing it to the approval of the plebeian assembly (p.96). This was unconventional but not unprecedented or illegal, and the senate had a weapon in its arsenal to counter such irregularities. Each of the ten annual tribunes of the *plebs* was empowered to veto a proposal of his colleagues, and in fact, all ten had to be in accord for a measure to be promoted. As Cicero (*Leg.* 3.24) has astutely observed, “For what college of tribunes could be of so desperate a character that not a single one of the ten tribunes retained his sanity?” Accordingly, one of Tiberius’ fellow tribunes, Marcus Octavius, vetoed his proposal. In order to see his law through, Tiberius had him unseated, by a popular vote, on the grounds that “. . . he [who] annuls the power of the people, he is no tribune at all. . . . And surely, if it is right for him to be made tribune by a majority of the votes of the tribes, it must be even more right for him to be deprived of his tribuneship by a unanimous vote.”⁷ Knowing that he would not get the necessary funding for the implementation of his law from the senate (which was in charge of the state treasury), he encroached upon yet another of the senate’s exclusive domains—foreign and financial affairs (p.28)—and designated for this purpose the treasury of King Attalus III of Pergamum in Asia Minor, who had recently died and bequeathed his entire kingdom to Rome.

All his measures were legal since according to the Twelve Tables, the earliest Roman juridical document (451–450), “. . . whatsoever the people had last ordained should be held as binding by law.”⁸ But Tiberius Gracchus blatantly violated one cherished convention after another—conventions that had hitherto preserved the political status quo. For its part, the senate tried to quash Gracchus’ measures by

deploying the traditional tools at its disposal for removing from the agenda proposals that it considered improper. But Tiberius challenged it time and again, with his daring approach and willingness to disregard time-honored customs. As the end of his year in office approached and realizing that all his work might be undone and that he might pay a heavy personal price once he became a private citizen, he broke yet another convention and stood for election to the tribunate for a second year running. The senate could only look on helplessly as, one by one, Gracchus dismantled the privileges that it had carefully built up over centuries. Finally, in view of the consul's reluctance to act and fearing that the senate's supremacy was at risk, in a fit of frustration, several senior senators, headed by Publius Cornelius Scipio Nasica, the chief pontiff(*pontifex maximus*), which was the most important position in the Roman religion, took the law into their own hands. Declaring that no man could afford to remain a private citizen when the Republic's fate was at stake,⁹ Nasica set out to eliminate physically Tiberius and his supporters, confident perhaps that removing the man would also do away with the issues that he had raised.

Tiberius Gracchus and some three hundred of his supporters were murdered in the Forum—the nerve center of political life in Rome. Historians, both ancient and modern, see this extreme and violent act a fateful turning point in Rome's history, after which nothing was ever the same. As Plutarch put it:

This is said to have been the first sedition at Rome, since the abolition of royal power, to end in bloodshed and the death of citizens; the rest though neither trifling nor raised for trifling objects, were settled by mutual concessions, the nobles yielding from fear of the multitude, and the people out of respect for the senate.¹⁰

The events of 133 ushered in a period commonly called in modern historiography “the Late Republic,” and the political murder marked the beginning of a process sometimes dubbed the “Roman Revolution,” which ultimately ended in the collapse of the republican regime and the fall of the governance of Rome into the hands of a single ruler (Augustus).

Ten years after Tiberius' turbulent tribunate, his younger brother, Gaius, followed in his footsteps and was elected tribune of the *plebs* for 123. Unlike his brother, Gaius had no problem being elected to a second consecutive year in office. The scope and quantity of his legislation was unprecedented. Some seventeen laws attempted, among other things, to guarantee fairer distribution of public lands, to ameliorate administration and the judiciary system, to improve the

treatment of the provincials, and to attain greater accountability of Roman magistrates. Like Tiberius before him, he had no intention of revolutionizing the nature of the republican regime; unlike Tiberius, however, Gaius had a profound understanding of the changes that had taken place in the social and economic composition of the Roman people during the second century BCE and tried to adapt both state and society to the new reality without seriously jeopardizing the supremacy of the governing elite.

Some of his measures were to have crucial consequences in the following decades, one of which was quite revolutionary. Hitherto, the Roman state had never intervened in market prices, even of grain—the primary food source of the ancient world.¹¹ Profiteering was therefore a matter of routine: unscrupulous traders would hoard grain during times of plenty and sell it at exorbitant prices in times of shortage.¹² Some sixty years earlier, Cato the Elder had been able to dismiss the demand of citizens for cheap grain during a severe drought with a throwaway remark: “It is a hard matter, my fellow citizens, to argue with the belly, since it has no ears.”¹³ But the huge growth in the capital’s population since then, its dependence on imported grain, and the risk to law and order posed by the hungry masses, induced Gaius Gracchus to respond differently. He was probably among the first to recognize formally that a permanent, impoverished urban proletariat had emerged in Rome, many of non-Italian stock, with no roots in the soil or desire to return to the land. He therefore passed a law that made the state responsible for the import, storage, and distribution of grain among Rome’s urban residents at subsidized and stable prices. To his critics, who protested that his measures would drain the state treasury, he responded with another exceptional measure, proposing that the contract to collect the taxes from the province of Asia, which had recently been annexed to Rome, should be auctioned by the censors (p.78). It was a “lump sum contract” under which the contractors who had won the bid were obliged to pay a specified amount (as bid in the auction) to the treasury. The contractors, the rich *publicani* (p.4), the elite of the *equites*—“those who had increased their property from public contracts” (Liv. 23.48.10)—were to cover their expenses (doubtless with a substantial profit to which the state set no limit) by collecting the taxes directly from the provincials. Until then, Roman governors had been responsible for taxation in their provinces. The new arrangement, which was chiefly intended to fill the state coffers, added fuel to the already strained relations between senators and *equites*.

Gaius Gracchus was elected to a second consecutive tribunate, yet his popularity began to wane as his most far-reaching proposal evoked

the controversial “Italian question,” which had been placed on the public agenda almost a decade earlier and which the senate had hitherto successfully shelved. Gaius’ measure, which suggested granting Roman citizenship to its Latin allies and partial citizenship to the Italian allies (p.34), cost him the support of many of his followers who were reluctant to share the benefits of citizenship with others. They managed to prevent his re-election for a third consecutive tribunate. The counter attack began immediately. During a minor fracas that broke out in the heat of a debate over the repulsion of one of Gaius’ measures, one of the consul’s servants was killed. As a result, the supporters of Gaius Gracchus were violently attacked in the Forum, and in the ensuing pursuit, led by Lucius Opimius—one of the consuls of that year (121)—Gaius Gracchus lost his life. Three thousand of his supporters were rounded up by the consul and executed without trial.¹⁴

Unlike his brother Tiberius’ murder ten years earlier, this time the killing was conducted under the auspices of the senate’s “ultimate decree” (commonly referred to as the *senatus consultum ultimum*, or SCU [p.90]), which gave the consul’s violence an ostensibly legal guise. The edict, which ordered the consuls to protect the Republic from all harm, in fact authorized them to strip anyone suspected of threatening the state’s security of their citizenship. Such a move effectively sealed a person’s fate, since it meant they were denied the right of appeal (*provocatio*) given to all citizens under Roman law. Given that the senate was not strictly speaking a legislative body, the legality of this decree was questionable and it continued to be the focus of fierce debates and political and judicial dramas throughout the Republic’s final decades. Nonetheless, the senate saw fit to use it on more than one occasion, when it felt powerless to deal with political crises by conventional means. As a result, in the course of the first century BCE, several Roman politicians and their supporters, who dared challenge the senate or posed a threat to its supremacy, were targeted in a similar fashion. Opimius, who headed the murderous assault in 121, was later taken to court for his actions, but he was acquitted when he argued that he was acting on the senate’s authority. In what could be seen as an act of remarkable cynicism, he even built a temple to Concordia, the goddess who represented harmony between citizens.¹⁵

Tiberius and Gaius Gracchus, who came from the heart of the ruling elite,¹⁶ exposed the ills that Roman society had incurred in the process of overseas expansion and stirred up disagreements and grave problems that had long simmered below the surface.¹⁷ Like their fellow members of the ruling elite, they were undoubtedly intensely ambitious and acted partly out of self-promotion. However, it would

be wrong to assume that this was their only motivation, since they did truly set out to fix faults that, in their view, posed a threat to the Republic and to the hegemony of its ruling class. At the same time, their highly unorthodox methods drew attention to the possibility of alternative methods of running Rome. Before them, while no one had ever disputed the theoretical notion that the people, through its assemblies, was the ultimate sovereign, it had been highly irregular to pass resolutions at the popular assemblies without the prior blessing of the senate. The genie that they had let out of the bottle made it possible for many individuals after them to use similar tactics to promote their own interests and careers without due consideration for the good of the state as a whole. “Thus the community was split into two parties, and between these the state was torn to pieces,”¹⁸ wrote Sallust in his summary of this episode, and to mark the new state of affairs two new terms were added to the Roman political lexicon: *populares*, and *optimates*. *Populares* was the label appended to those following the Gracchan example of bypassing the senate and bringing controversial legislation directly to the people. *Optimates* (the best men), on the other hand, were those who believed that ultimate authority lay with the senate and insisted on abiding by convention and traditional methods. These labels, however, could be misleading. The *populares* were not leaders who emerged from the people and sought its best interests, but politicians from the senate who challenged its supremacy mostly to promote their own status and their own ends. Conversely, those considered to be die-hard *optimates* did not hesitate to adopt “popular” initiatives when these served their own interests or their political campaigns. In any event, the two terms did not denote political parties with well-defined ideological platforms (p.110), but chiefly different methods of operation in pursuit of political advantage in the struggle for power.¹⁹

Only fragments of information have survived from contemporary writings about the events in the years that followed. On the face of it, the storm of controversy that they raised appeared to have subsided, and the senate’s authority to have been restored. However, the outer reaches of the empire were in turmoil, and on the battlefield, where Rome had always excelled, worrying signs began to emerge. In Spain, a series of Roman commanders attempted to suppress an ongoing rebellion by local tribes against Roman exploitation, and failed—often in humiliating circumstances. Scipio Aemilianus managed to restore some quiet to the region in 131, but this proved to be only temporary. Four years earlier, in 135, a large slave rebellion had broken out in Sicily that threatened to spread to the Italian mainland, which the Romans managed to quell only three years later, after a series of embarrassing defeats. In Macedonia, the Scordisci inflicted a stinging

defeat upon one of the consuls in 114, then moved into Greece reaching as far as Delphi before being defeated only two years later. In Numidia, bordering on Rome's province of Africa, what began as an internal conflict over the throne in 116, erupted into an all-scale war. The Romans at first tried to solve the conflict diplomatically. When this failed, Roman commanders did not succeed in subduing Jugurtha, who acceded to the Numidian throne by killing his opponents. This resulted in heavy financial losses felt most keenly by the *equites* and particularly the *publicani*, who pressed for a quick conclusion. In fact, official Rome paid little attention to the southern flank of its empire, being far more preoccupied with the threat upon Italy's northern border. Germanic tribes, who had begun drifting southwards around 113, defeated a series of Roman commanders sent to stop them, and in 105, at Arausio (modern Orange), inflicted the most painful defeat upon the Romans since the catastrophic battle of Cannae in 216 during the second Punic War. Some eighty thousand men were killed, Italy's northern border lay undefended, and the fear that took grip of Rome is evident in the consular decree forbidding all men under the age of thirty-five from leaving Italy.

As Sallust (*Iug.* 4.5) saw it, by the end of the second century BCE, the Roman elite was no longer capable of dealing with the serious crises at home and abroad because its leaders no longer sought what was good for the state, but only the perks and benefits that it offered:

I have often heard that Quintus Maximus, Publius Scipio, and other eminent citizens of our state, were in the habit of declaring that their hearts were set mightily aflame for the pursuit of virtue whenever they gazed upon the masks of their ancestors. Of course they did not mean to imply that the wax or the effigy had any such power over them, but rather that it is the memory of great deeds that kindles in the breast of noble men this flame that cannot be quelled until they by their own prowess have equaled the fame and glory of their forefathers. But in these degenerate days, on the contrary, who is there that does not vie with his ancestors in riches and extravagance rather than in uprightness and diligence?

The succession of defeats and the sense that the senate and the senior magistrates who commanded the armies were no longer capable of solving the military threats looming over Rome propelled Gaius Marius to power. Marius was not a scion of an ancient Roman family, but a "new man," son of a well-to-do family of Arpinum, a town lying some eighty km southeast of Rome, whose inhabitants had been granted full Roman citizenship only in 188. With the support of one of the most distinguished and prominent families in Rome—the Metelli—he slowly climbed his way up the hierarchy of public office, where he

might have become just another aspiring man from the *municipia* (p.33) who made some headway in Roman politics, but never actually reached the top.

But Marius had other ideas in mind. Exploiting the popular mood in Rome, which was increasingly anxious at the news of one military defeat after another and disappointed with its leadership, he was elected consul for 107. With the help of a supportive tribune of the *plebs*, he passed a law relieving Quintus Caecilius Metellus—consul 108, whose *imperium* had been recently prolonged (p.81) to complete the war in Africa—of his command of the war against Jugurtha, and transferring it to himself. As proconsul in 106 and 105 he ended the war. Once again—as the senate was to discover repeatedly in the years to come—the physical elimination of the Gracchi brothers did not eradicate their methods of operation. This blatant encroachment by the plebeian popular assembly upon an area of authority that had hitherto been the strict preserve of the senate—in this instance the allocation of provinces—created a precedent that would be repeatedly exploited by ambitious, opportunistic, and unscrupulous politicians to their own ends.

Nor did Marius stop there. He instigated a full-scale tactical and organizational reform of the Roman military, boosting its manpower by recruiting citizens from among the *proletarii*—those with no assets who hitherto had been recruited only in times of emergency. Although this appeared to be a revolutionary initiative, it was merely the logical solution to the troop shortage problem, which had become increasingly acute during the second century BCE. Given that the small land holders—the army's traditional recruitment base—had been steadily shrinking over the years, there was no choice but to open up the ranks of the military to the only class that had been steadily growing throughout that time—namely, the poor.

In the long run, however, the creation of a professional army proved to have far-reaching consequences. The *proletarii* volunteered for military service not out of patriotism, but in anticipation of a material reward at the end of their service. They pinned their hopes of lands and a share of the spoils upon their commanders, whose aims they wholeheartedly embraced and to whom they bore personal allegiance. The fateful implications of this initiative, which had been conceived merely to solve a problem of manpower, were best described by Sallust (*Iug.* 86.3):

As a matter of fact, to one who aspires to power the poorest man is the most helpful, since he has no regard for his property, having none, and considers everything honorable for which he receives pay.

Marius defeated Jugurtha and returned to Rome, which was gripped by fear of the Germanic tribes following the defeat at Arausio. In 105, while still in Africa, he was elected consul for 104 to fend off the Germanic threat. To ensure that his command of the campaign would not be taken from him on completion of his year in office, he successfully sought re-election as consul for 103, 102, 101, and 100 respectively—thus holding the consulship for five consecutive years, which was utterly unprecedented and challenged each and every traditional and legal pattern of office-holding. Marius completed his campaign against the Germanic tribes before the elections for the year 100, but asked for yet another year in office, to arrange for distribution of lands to his discharged troops. To this end, he allied with Saturninus, who was tribune of the *plebs* in both 103 and 100. Saturninus had an unconventional career—characterized by repeated goading of the senate and the use of violence to achieve political ends—but he had steadfastly looked after Marius’s interests while the latter was away from Rome.

However, in 100 there was increasing violence in the city, which Marius, who appears to have hoped to exploit this to his own advantage, pretended not to notice. The situation continued to worsen until one of the consular candidates for 99 was murdered during the riots, and the senate declared a state of emergency (*senatus consultum ultimum*). Marius now found himself between a rock and a hard place: as consul, he was obliged to carry out the senate’s ultimate decree of protecting the Republic from all harm, but those accused of being enemies of the state were his collaborators. Hesitating, he tried to broker a deal between the two sides. As Plutarch recounts: “. . . and since he stood in awe of the nobles, while he courted the favor of the multitude, he was led to commit an act of utmost meanness and duplicity.”²⁰ At first he tried to help Saturninus and his supporters, but ultimately sided with the senate, and in the first armed battle ever held within the city’s boundaries, Saturninus and his supporters were killed.

Marius’ ignominious conduct made him despised by everyone; after six consulships, and many glorious victories, Marius retired from public life despised and vengeful, waiting for an opportunity to return and reclaim his honor. The legacy that he left behind went on to play a major part in the continuing weakening of the republican regime.

Gaius Marius, as we noted, came not from an illustrious senatorial family, but from a small Italian town that had joined the Roman commonwealth only eighty years before. His success kindled similar hopes among the upper classes elsewhere in Italy, who had not yet been granted citizenship, of emulating Marius’ success and taking an active part in political life in Rome. The Italian allies bore a greater

share of the military burden than the Roman citizens who fought beside them—yet with inferior service conditions and a smaller share of the victory spoils. They also endured humiliating treatment from Roman magistrates. Consequently their demands to be granted Roman citizenship grew increasingly persistent in the final decades of the second century BCE. The Gracchi were the first to publicly acknowledge this issue, and others followed—some out of a sober assessment of the situation, others out of narrow personal interests; but all attempts to resolve the problem failed.

Roman citizens across the social spectrum were alarmed at the prospect of an *en masse* incorporation of fellow Italians into the citizen register. Everyone had something to lose: the political elite feared that the Italian elites would compete with them for public office; the economic cream of the crop—the *publicani*—who had grown fat on state contracts, jealously protected their turf and did not relish sharing their profits with their Italian counterparts; and the lower classes, who lived in the city and had only recently begun enjoying the benefits of subsidized grain, were afraid that they would have to share that benefit with a tidal wave of immigrants that would swamp Rome from the Italian countryside.

The final straw, as far as the Italian allies were concerned, came in 91, when Marcus Livius Drusus, a tribune of the *plebs*, who had worked tirelessly for their cause, was murdered in mysterious circumstances. Tensions hence built up between Rome and her allies, and shortly afterwards hostilities began when many of Rome's allies in central and southern Italy withdrew from the alliance and created in fact an independent state.

The fighting, which involved huge forces on both sides, was bloody but ultimately indecisive. However, the notion of battles so close to the outskirts of the city of Rome unnerved the Roman leadership and its inhabitants, and shortly after the outbreak of the Social War (91–88 named after *socii*, the Latin term for allies), the Romans sought to placate their opponents by offering Roman citizenship to all allies who returned to the fold. Hostilities finally ceased some three years later, concluding what was probably the most pointless of all of Rome's wars, since it ended up granting its Italian allies exactly what they had demanded prior to their withdrawal from the alliance. The long-term repercussions of this conflict were to prove far more destructive than most wars that Rome had waged with mighty enemies overseas.

Rome's failures in Africa, its defeats on the northern front, and the war that tore Italy apart encouraged Mithridates VI Eupator—the ambitious ruler of the kingdom of Pontus in central Asia Minor on the southern coast of the Black Sea—to expand his territories, thus threatening Rome's allies and interests in the region. When the talks

between the sides failed in 89, hostilities began. Rome, which had only one legion in the region, could not thwart Mithridates' onslaught. He swept the Roman province of Asia promising freedom to the Greek cities and was greeted with enthusiasm as liberator. Mithridates abolished taxation and on his orders some 80,000 Romans and Italians, if we are to believe our sources, mostly businessmen and their families, were rounded up and slaughtered in a single day by the local population. More than anything, this merciless killing reflected the anti-Roman feelings accrued during the thirty-odd years that had elapsed since Gaius Gracchus' measure (see above) against the publican tax collectors who systematically and ruthlessly plundered the defenseless provincials. Encouraged by his success, Mithridates turned his attentions to Greece in response to an invitation from Aristion, the tyrant of Athens, and began meddling in Greek affairs.

Once the Social War was over Rome immediately set out to repel the Mithridatic threat. Command over the impending eastern campaign—with its prospects of huge spoils and great prestige for its victor—was given to Lucius Cornelius Sulla, who had excelled in the Social War and was elected consul for 88. However, the opportunity for military glory also appealed to Marius, who had found it difficult to translate his unprecedented achievement of six consulates, five of them consecutive, into real political influence, and found himself somewhat marginalized. Although he was approaching seventy, he enlisted the help of the tribune of the *plebs* Publius Sulpicius Rufus, who, under threat of violence, forced through a resolution in the plebeian assembly removing the command from Sulla and handing it to Marius instead. Marius had pulled a similar stunt back in 107 during his first consulship, when he had wrested the African command from the proconsul Caecilius Metellus by tribunician legislation. Metellus abided by the people's decision and returned to Rome. In return, the senate had awarded him with the honorific title "Numidicus" although he was not the one to bring the war against Jugurtha in Numidia to completion.

Sulla, however, had no intention of handing the command over to Marius. As a member of an old but rather impoverished patrician family, he had worked long and hard to reach the consulship²¹ and was not going to allow Marius' grand designs to interfere with his own prospects of glory and wealth. In a move without precedent in Roman history, he turned to his legions of loyal troops and told them that Marius intended to recruit new soldiers in their stead, thereby denying them the spoils of victory in the East. Furious at this prospect, his soldiers urged him to march upon Rome and reclaim the command against Mithridates. Although all but one of his senior officers abandoned him, he proceeded to do just that, and captured the city at

the head of an army of six legions.

This was the first civil war in Roman history. Sulla had done what no one had dared do before him, thereby exposing the hidden danger in Marius' reforms and showing what a commander whose troops were loyal to him personally could achieve with the promise of financial gain. The fact that the troops—all Roman citizens—agreed to follow their leader in an attack on Rome, should surprise no one. The ruling elite had milked the conquered territories for all it was worth, and had not shared the spoils with the population at large. The alienation between it and the common people was considerable, and the Republic, which offered little to its troops, was no longer something worth fighting for. A leader who promised land and a share of the war spoils was far more appealing, so that it is hardly surprising that in such a situation the troops adopted their leader's goals, identified with them, and made his interests their own.

Sulla outlawed everyone who stood against him. Sulpicius Rufus was killed, but Marius managed to escape. Careful to observe legal procedure, Sulla presided over the elections for consulship of the year 87, saw to the extension of his command and set out to Greece to fight Mithridates. The two elected consuls for that year swore allegiance to him and promised to protect his regulations, but one of them—Lucius Cornelius Cinna—went back on his oath immediately upon Sulla's departure from the city.²² After falling out with his fellow consul, Cinna was expelled from Rome, but following Sulla's example of the previous year, he marched upon Rome with troops and seized power, with the help of Marius, who immediately embarked upon an unbridled and bloody campaign of revenge against his detractors, thereby setting yet another dangerous precedent on top of the ones he had already created. Marius and Cinna then arranged for themselves to be consuls for 86, but within days of entering office for the seventh time, Marius died.

For the next three years (86–83), two Roman states effectively existed side by side, each refusing to recognize the other. Cinna ruled over Italy and the western part of the empire and dealt primarily with the issues arising from the enrollment of the Rome's new Italian citizens in the tribes (p.32), while Sulla fought Mithridates on Rome's behalf in Greece and in Asia Minor. In 85, after having expelled the Pontic king from Greece, and in view of the events in Rome and Italy, Sulla signed a hasty peace treaty with Mithridates in Dardanos in 85 which ended the first Mithridatic War. The king was forced to relinquish all his conquests in Asia Minor and to pay indemnities, but he remained safely installed in his kingdom and his power base was not seriously impaired. Sulla then reorganized the province of Asia, punished the Greek cities that had betrayed Rome harshly, left one of

his lieutenants in charge, and sailed to Greece en route to Italy. Cinna, who had set out in 84 to meet Sulla in Greece, was killed in a mutiny of his soldiers while he was preparing to cross the Adriatic; his colleague, Gnaeus Papirius Carbo, decided to wait for Sulla in Italy.

Sulla landed in Brundisium (modern Brindisi) 83 with some five legions and a large auxiliary force of troops and cavalry from Greece and Macedonia. Almost immediately upon landing in southeast Italy, he was joined by persons whose families had suffered at the hands of Marius and Cinna, along with others who decided that they stood a better chance with Sulla than with his opponents. Some, like Pompey and Marcus Licinius Crassus,²³ came with their own private armies.

In November 82—less than seven years after capturing Rome for the first time—Sulla once again seized the city by force. Like Marius and Cinna before him, he immediately set about eliminating both real and suspected political opponents. To raise much needed funds for himself, his associates and veterans, he made the slaughter more orderly by publishing lists of people who were outlawed (*proscriptiones*) and whose lives were therefore considered forfeit—each with a price tag. Few of the proscribed managed to escape: most were pursued by greedy head-hunters and murdered—their property confiscated and sold at knockdown prices by auction to Sulla's close associates, who took the opportunity to add to the lists names of people with whom they had a score to settle, or whose property they coveted for themselves. The manhunt went on for about six months (the lists were closed on June 1, 81), during which time between 2,000 and 9,000 people were slaughtered (sources are divided as to the precise number)—including forty senators and some 1,600 *equites*. The victims' sons and grandsons were permanently debarred from holding office.²⁴

After mercilessly taking revenge on the Italian towns that had supported his opponents (especially in Etruria and Samnium), confiscating their lands and distributing them among his troops (he had some twenty-three legions to immobilize once the civil war had ended), Sulla set about mending the flaws that had undermined the political equilibrium of the republican government since the days of the Gracchi. To this end, he was appointed, quite irregularly, dictator, a magistracy that had been in disuse for well over a century (p.79), and was empowered to draft laws as he saw fit in order to reform the state. For this purpose he was granted authority much greater than that normally accorded to a dictator, including indefinite tenure in office.

Sulla aimed to reinstate the senate's traditional authority which had been seriously challenged since the days of the Gracchi. As a considerable number of senators had perished in the civil wars, he

first set out to replenish the depleted body. He appointed 300 new senators, doubtless from among his supporters, from senatorial, equestrian and perhaps even from newly enfranchised and loyal Italian families, and arranged for regular recruitment by ruling that all quaestors, whose number he had increased to twenty, would join the senate automatically upon completing their year in office (p.77). Thus eventually, the post-Sullan senate numbered some 600 members. These were designed, among other things, to serve as judges in the reformed system of criminal courts (p.97).

Sulla also initiated comprehensive legislation aimed at assuring the better administration of Rome and the empire and at checking the powers of public officials that proved detrimental to the senate's time-honored supremacy. The main target was the unique powers of the tribunes of the *plebs* whose abuse had proven perilous to the traditional political equilibrium. The legislative and judicial prerogatives of the tribunes were curtailed, their right to veto was limited, and with the aim of thwarting ambitious young men from holding the tribunate in order to further their career by advancing populist and controversial measures, it was decreed that anyone elected plebeian tribune would be ineligible for higher office. Yet Sulla well knew, from his own experience, that unscrupulous consuls and pro-consuls who commanded large armies could be no less dangerous. Henceforth, all *imperium*-holding magistrates were to remain in Rome during their year of office, and only after its completion could they continue for another year as promagistrates in the provinces (p.68). A set of strict regulations assured tighter senatorial control over Roman commanders in the provinces.

On completing the tasks that he had set himself, Sulla stepped down from the dictatorship in 80 or 79 and retired from political life. He died a year later, and the epitaph on his tombstone, which he himself had composed, boasted that "no friend ever surpassed him in kindness, and no enemy in mischief."²⁵ His voluntary abdication from unlimited power raised many eyebrows in the ancient world. Julius Caesar later mocked him, claiming that Sulla did not know his ABC,²⁶ and some two centuries later students of rhetoric were still required to compose essays justifying or faulting his decision.²⁷ But Sulla had never considered any form of government other than a republic governed by a narrow elite and had done exactly what his supporters had expected of him: to re-establish the state and its institutions in such a way that members of the elite could once again compete for honor and power, as they had always done. Indeed, Sulla did not substantially deviate from the inherent logic within the Roman tradition with regard to dictatorship: he did resign, after all, immediately on completing his allotted tasks, whose fulfillment had

demanded a longer period than the maximum six months prescribed by custom.

Sulla was given a magnificent funeral, but no sooner had his ashes been laid to rest than the ground began to shift yet again beneath the reformed political order. Rome, Italy and the empire as a whole were thrown into turmoil, and the 70s proved to be as stormy and as precarious as the previous decade. In 78, the consul Marcus Aemilius Lepidus raised a large army to put down a revolt of peasants in Etruria whose lands had been taken to provide lands for Sulla's discharged soldiers—but instead he turned his forces against Rome in a bid to undo Sulla's reforms. His rebellion was only barely suppressed a year later, when other crises began to surface both domestically and overseas.

The Spanish provinces were in effect cut off from Rome. Quintus Sertorius, one of Marius and Cinna's adherents, had fought Sulla in Italy and in 83, as praetor left for his province of Hither Spain, where he built a large and competent army and naval force. Marshalling the remnants of Marius' supporters and everyone who had escaped the terror of the *proscriptiones*, he curried favor with the local inhabitants and successfully withstood a succession of armies sent against him from Rome, until he was murdered by one of his deputies in 72. Meanwhile, in the Mediterranean the pirates did as they pleased, and the consul dispatched in 74 to eliminate them failed at his task. In Asia Minor, Mithridates prepared for yet another round against Rome. Sulla had signed a hastily arranged peace treaty with him in 85 (see above), but Mithridates's power base remained essentially intact. In Capua in 73, a Thracian gladiator named Spartacus escaped from a gladiators' school and with a handful of men soon amassed a force of seventy thousand men—slaves as well as freemen with no property or prospects. Spartacus turned his mass of supporters into an efficient fighting force—an extraordinary achievement given the type of manpower that he had mustered—and successfully defeated the armies of the two consuls sent to fight him in 72.

Meanwhile, in Rome itself, Sulla's new criminal courts, whose judges (*iudices*) were now appointed from among the senators, yielded a series of scandalous verdicts. Rumor had it that the judges were routinely open to bribes, and only a year after Sulla's death a vocal and aggressive campaign was mounted, calling for the removal of the restrictions placed by Sulla upon the tribunes of the *plebs*. The issue continued to be at the forefront of the political agenda throughout the decade.

The senate was struggling to deal with the sheer range of problems that arose in the years following Sulla's death. Its doubled size and restored powers could not mask the fact that it was now a colorless

entity, lacking a veteran, experienced and authoritative leadership—a mere shadow of itself in its heyday in the not too distant past. Many senior and influential senators had perished in the civil wars of the previous decade, and its membership was now made up not of individuals who had risen in rank in a well-ordered and organic fashion, but of appointees from among Sulla's cronies. Moreover, most of the new senators appointed by Sulla had no political experience whatsoever. The post-Sullan senators, many of whom came of age during the bloody civil wars and had witnessed at first hand the horror, the punishments, exiles, banning, and murder in cold blood of friends and relatives, lived in constant dread of another round of civil strife and chaos, which they sought to prevent at almost any price. They were understandably cautious, therefore, less resolute in their views and far more willing to compromise. This hesitation and incompetence on the part of those who, in retrospect, might be regarded as “the last generation of the Roman Republic”²⁸ would be exploited to the full in the coming years by talented, ambitious, opportunistic, and unscrupulous individuals in promotion of their personal interests.

Pompey (Gaius Pompeius), later dubbed Magnus (“the Great”), is perhaps the most fascinating figure to emerge in the final decades of the Republic, his actions largely reflecting the ills afflicting Rome in those years. Born in 106, he served in his teens on the staff of his father, Gnaeus Pompeius Strabo—consul in 89—who played a central role in the Social War. Strabo, described in the ancient sources as a corrupt and hated man, apparently tried to extract the maximum personal gain from the struggle between Marius and Sulla, but died suddenly in 87, taking his designs with him. The young Pompey avoided siding with either party in that dispute, preferring instead to withdraw to the family's estates in Picenum.²⁹ However, when Sulla landed in Brundisium in 83, Pompey—then only twenty-three—raised a private army of three legions from among the inhabitants of Picenum, and joined him. Acting on Sulla's behalf, he efficiently and brutally put down the remnants of Marius' supporters who had fled to Sicily and North Africa—operations that earned him the dubious nickname of “the young butcher.”³⁰ On his return, he demanded the right to hold a triumph—an impudent request for one not yet even a senator—which Sulla initially rejected out of hand. But Pompey persisted, and Sulla—seeing Pompey's popularity and knowing that he would need his services again—reluctantly gave in.³¹ In 77, Pompey was summoned to help put down Lepidus' rebellion, and a year later the senate dispatched him to Spain to help Quintus Caecilius Metellus Pius defeat Sertorius as proconsul. With that mission accomplished in 71, a worried senate appealed to him to return to Italy to help quell

the Spartacus rebellion when it seemed that Crassus (probably praetor in 73), who was put in command of the war after the shameful defeat in 72, was having difficulty in putting an end to the slave revolt. But Crassus managed to defeat Spartacus, and on his return from Spain Pompey found that he had little to do but destroy the remains of the rebel army that he encountered in northern Italy. With typical conceit, however, he wrote to the senate that “Crassus had conquered the gladiators in a pitched battle, but that he himself had extirpated the war entirely.”³² Crassus was infuriated and deeply offended by this attempt to detract from his achievement and deny him the fruits of victory—a grudge that was to plague their relations in the years to come.

Pompey then asked to hold another triumph to mark his achievements in Spain, and despite the fact that his victory was over fellow Roman citizens, the senate—still traumatized by the events of recent years—acceded for fear that Pompey might march on Rome if his wish was denied. Fear of another civil war, it seems, had become a primary factor behind many of the senate’s resolutions. On the eve of the consular elections for the year 70, both Pompey and Crassus stood with their armies at the outskirts of Rome. Despite their mutual animosity and jealousy, Crassus and Pompey decided to collaborate and demanded to stand for the consulship of 70.³³

Marcus Licinius Crassus belonged to an old and distinguished family. His father—consul in 97 and censor in 89—and his brother had perished in the Marian purge at the end of 87 and Crassus had fled to Spain. He returned to Italy after Cinna’s death and joined Sulla in 83 at the head of a private army. Crassus played a decisive role in the battle at the Colline gate in November 82 that determined Sulla’s victory in the civil war and afterwards amassed a great fortune from buying confiscated property of the victims of the *proscriptiones* at very low cost. As already mentioned, he had held the praetorship, probably in 73, and was granted proconsular command against Spartacus in 72. On the eve of the consular elections for 70, he had a sound claim to the consulship as he had filled the legal prerequisites required by Sulla’s law for consular candidates: he was of the right age and had climbed the career ladder in a conventional manner (p.83).

Pompey’s candidacy, on the other hand, was in violation of the requirements laid down by Sulla; not only had he never held any public office, but at 36 he was six years younger than the minimum age stipulated by law for the post. The senate, however, was hardly in a position to refuse. Time and again over the previous decade, in recognition of his undoubted military prowess, the senate had called upon Pompey to remove threats to its authority. Given the legions that Pompey had at his disposal, it seemed neither logical nor wise to ask

someone who had commanded large armies, had been hailed *imperator* and had celebrated two triumphs to start climbing the political ladder from the bottom like some rookie politician at the start of his career. Accordingly, Pompey received special dispensation to stand for the consulship of 70.

Ironically, Pompey and Crassus, who had started their careers as Sulla's steadfast lieutenants, did away with Sulla's most significant reforms during their term as consuls. They fully restored the powers previously held by the tribunes of the *plebs* and allowed a law to be passed (*lex Aurelia*) which changed the composition of the judicial panels in the criminal courts. Sulla, as already mentioned, had assigned the senators a complete monopoly over membership in the judicial panels, whereas the new law ruled that henceforth the judges (*iudices*) would be appointed, in equal measure, from among senators, the *equites* and the *tribuni aerarii*—who were evidently a defined *census* group, probably with slightly less assets than were required of the *equites* (p.36). The two consuls also oversaw the election of censors, the first in sixteen years, who finally registered the enfranchised Italians in the citizens' lists, bringing the total number of Roman citizens to 910,000. Much to the Republic's detriment, virtually all that remained of Sulla's legacy was the precedent that he had set in marching on Rome for his own personal aims.³⁴

The arrangements of 70 seemed to restore calm to the domestic scene, and attention could be turned to the pressing issues that had plagued the empire for more than three decades. The Mediterranean swarmed with piratical activity that virtually paralyzed the maritime routes Rome depended on both commercially and militarily. The import of grain that the Roman population depended upon was severely affected, and no Roman citizen embarking on a sea voyage could be sure that he would reach his destination safely: pirates would seize ships, confiscate their contents, capture their crew and passengers, and demand ransom for their release. The absence of a suitable response from Rome only further emboldened the pirates. A series of Roman commanders who were sent to deal with the threat failed to purge the sea. Marcus Antonius (praetor in 74), who received a somewhat irregular command to eradicate piracy throughout the Mediterranean in 71, was shamefully defeated off the shores of Crete and forced to sign a treaty with the pirates. In 68 Rome's port at Ostia was set on fire, the consular war fleet destroyed, and two prominent senators, together with their bodyguards and staff, kidnapped. Italy and Latium were not safe from their attacks and even the *via Appia*, the main road connecting Rome with southern Italy, was raided. This was undoubtedly a great shock to Roman pride and security.

In 68, the proconsul Quintus Caecilius Metellus was put in charge of

the war against the pirates of Crete. In 67, while he was conducting a fairly successful campaign to rid the seas around Crete of pirates—for which he would later be named “Creticus”—the tribune of the *plebs* Aulus Gabinus proposed that a man of consular rank be granted a three-year command to solve the piracy problem once and for all. This was to include wide-ranging powers that would be valid throughout the Mediterranean and fifty miles inland, where his authority would equal that of provincial governors, together with huge resources and an enormous number of ships and troops. It was obvious that Gabinus had Pompey in mind. The proposal provoked vigorous objection among the senators who protested that it was dangerous to bestow so much power upon one man. Two tribunes attempted to veto the measure, but Gabinus threatened to oust those who obstructed his bill, just as Tiberius Gracchus had done in the case of Octavius; the two retracted and the law was passed. To carry out his extraordinary command Pompey was granted huge supplies, troops and ships and the right to appoint twenty-four legates. A mere three years after Sulla’s restrictions on the tribunate of the *plebs* had been annulled, the tribunes had reverted to the same practices that Sulla had sought to obliterate.

Pompey was spectacularly successful. In a brilliant military and organizational operation that lasted only three months, he rid Rome of the blight that had plagued it for over half a century. He cleared the Mediterranean of pirates, and to ensure that they never returned to pester the seas, he transferred them “from the sea to land,” giving them lands in Asia Minor and converting them effectively into farmers.³⁵ On completing the mission he turned toward Cilicia (today southwestern Turkey)—a convenient springboard to his next goal.

In Asia Minor, the third war against Mithridates VI had been underway since 74 or 73.³⁶ Both previous confrontations had been inconclusive and the Pontic king had not relinquished his expansionist aspirations. When the kingdom of Bithynia was bequeathed to Rome in 75 and organized as a Roman province, Mithridates invaded it. Lucius Licinius Lucullus, one of Sulla’s most loyal supporters, who was proconsul in Asia and Cilicia, was put in charge of the war and managed the campaign wisely, driving Mithridates out of his kingdom. Nonetheless, the war in the difficult terrain dragged on for over four years and Lucullus seemed unable to bring the war to a successful end. His opponents in Rome accused him of prolonging the war unnecessarily to increase his glory. They were joined by vexed *equites* who were annoyed by the concessions Lucullus had made to alleviate the burden of debts incurred by the inhabitants of the province due to the heavy indemnities exacted by Sulla at the expense of the tax collectors’ profits. Moreover, the unrest among his troops,

who refused to penetrate deeper into the mainland in pursuit of Mithridates, was encouraged by the young Publius Clodius Pulcher, Lucullus' brother-in-law and one of his legates. In 69 and 68, enemies succeeded in limiting the territories over which he had authority, transferring them to other commanders. The defeat of one of his lieutenants and a mutiny by the soldiers limited his fighting ability and Mithridates was able to invade his kingdom.

This was the moment for which Pompey's supporters had waited. Pompey's remarkable success in purging the Mediterranean from piracy spurred them to further action. In 66, the tribune of the *plebs* Gaius Manilius proposed transferring the command in the war against Mithridates to Pompey, with the same authority and powers he had enjoyed in his war against the pirates. Once again, the objections of senior senators to handing so much power to a single man, however talented, were drowned out in the clamor of support among the masses and among many members of the ruling elite who acclaimed "his ability as a military leader—super-human and wondrous."³⁷

With the huge forces and resources at his disposal, Pompey did not need to expend much military effort in defeating Mithridates, since most of the work had been done by Lucullus, who ruefully remarked that he was being compelled to give up not the command, but the reward for the victory.³⁸ Mithridates took his own life in 63, and Pompey, without the assistance of the customary senatorial committee, set about a total reorganization of the East and Asia Minor. He annexed Syria—the last territorial remnant of the weakened Seleucid Empire—established a new order in Judea, and struck alliances with local kings, binding their interests to those of Rome. These new arrangements conferred upon him further riches, honors, and influence and raised grave concerns in Rome, which went about its business in nervous anticipation of his return.

The Roman political arena in the late 60s was both intense and tense. Pompey cast a long shadow from the East and intervened in the capital's political life from afar through his associates, while the many rivals that he had acquired over the years were making plans to thwart his preeminence. The fiercest political contests, however, involved the consular elections.³⁹

Election to the consulate was the pinnacle of every Roman politician's ambition. It gave its holder great prestige, a military command that, if successful, was often celebrated in a triumph. However, all these benefits paled beside the truly important and long-lasting reward that came after leaving office, namely, lifelong membership in the highly prestigious and influential group of senators formed of ex-consuls (*consulares* p.85) who effectively ran the affairs of the Republic. Clearly, however, not every aspiring politician

starting out as a quaestor—the first obligatory step in the career ladder toward the consulship—would succeed in being elected to one of the eight praetorships, the next and final stage before the sought-after position, for which only two were elected each year.

Fierce competition for the highest magistracy had always been part and parcel of Roman politics, but after Sulla's reforms, which increased the number of praetors from six to eight, it became even harsher since there were more potential candidates jostling for the two yearly consulships: with each passing year not only was there a larger crop of new prospective candidates, but a higher number of frustrated candidates from previous years who were trying their luck yet again.⁴⁰

The competition for the electors' votes was no less uncompromising. In the *census* of 86/5, the number of citizens stood at 436,000. In the following *census* held only fifteen years later, it had more than doubled to 910,000⁴¹ as a result of the enrollment of new citizens from among the Italian communities that had been granted Roman citizenship after the Social War. This made campaigning even more difficult, since candidates now had to court the votes of an electorate that was much larger and, naturally, harder to manipulate. The proliferation of candidates competing for the sought-after post at almost any price, coupled with the huge growth in the citizenship body, inevitably resulted in particularly heated and unbridled election campaigns. In this unfettered contest, all means were fair: intrigues, betrayals, odd and perplexing alliances, bribery and systematic violence.

The events between 66 and 63 exemplify the tempestuous and tense political atmosphere that gripped the last generation of the republican era.⁴² Immediately after the victors of the consular elections for 65 were declared, the two consuls-elect were indicted on charges of election bribery. To tilt the trial in their favor, their supporters mounted violent protests, during which rocks were thrown at the judges, but the latter refused to be cowed, and in light of the evidence provided, the two consuls-elect were convicted and forced to step down before entering office. Lucius Sergius Catilina, (Catiline), who had just returned from his province in Africa, sought to take part in the repeat elections for the consulate of 65, but his candidacy was turned down on the pretext that only those who had been official candidates in the first round could run. The two litigants against the previous victors—the two candidates who had initially lost the election—were elected in their stead.

Hard on Catiline's heels came delegations from the province of Africa, complaining bitterly of the plundering and destruction that he had carried out there. He was indicted and eventually acquitted, but not in time to allow him to stand for the consulship of 64. Catiline,

who belonged to an old patrician family that had failed to produce a holder of high office since the fifth century BCE, was eager to be elected consul and thus re-establish his family's honor. Although linked to Marius by marriage, he sided with Sulla in the civil war and even took part in the *proscriptiones*. His career was marked by a succession of scandals and trials, but he nevertheless enjoyed considerable support among the elite, partly because he was one of them, and partly because he was never found guilty. His candidacy for the consulship of 63, and prospective election, therefore, were practically assured.

Seven candidates ran for the consulship of the year 63. Only three stood a realistic chance of success: Catiline, Gaius Antonius, and Marcus Tullius Cicero. Gaius Antonius—whom Plutarch describes as “a man fit to lead neither in a good cause nor in a bad one, but [who] might be a valuable accession to another's power,”⁴³ was the son of Marcus Antonius—consul in 99 and censor in 97, and reputedly one of the greatest orators of his generation—who was murdered by Marius' supporters in 87. The son's career, however, was nothing like his father's. Gaius Antonius had fought next to Sulla, taken part in the *proscriptiones*, and in 70, had been ousted from the senate for various acts of corruption. After working hard to resurrect his career, he had been elected praetor in 66 and now vied for the consulate of 63. The third candidate, Marcus Tullius Cicero, lacked both Catiline's patrician lineage and Antonius's illustrious parentage. Born in 106 in Arpinum (Marius' hometown) to a well-to-do equestrian family, he was the first of his family to take part in Rome's political life. What he lacked in social status and ancestry, however, he made up in matchless oratorical abilities. Unusually for the period, and in marked contrast to all other prominent figures of the late republican era, he built his career and his name not on the battlefield, but in the law courts.⁴⁴ He first attracted public attention around the time of Sulla's death in 78, when he dared to defend a victim of the *proscriptiones* in a legal action brought by one of the dictator's closest associates. In 76, with the help of high-ranking Roman families and of senior members of the equites, he was elected quaestor and served in Sicily. His main claim to fame as an orator came in 70 when he prosecuted Verres, Sicily's corrupt governor in the years 73–71, who had ruthlessly exploited the province's inhabitants and hoped to evade punishment by bribing the judges and hiring the services of Hortensius, regarded as the greatest advocate of the age. Cicero's first speech in the trial, however, was so damning that, notwithstanding Hortensius' reputation, Verres fled the city immediately. Cicero's astonishing success at the trial, which impacted upon the legislation changing the composition of the judicial panels of the criminal courts (see above), made him a renowned

public figure and a highly sought-after and successful litigator. His frequent appearances in court were both brilliant and entertaining, and he acquired many supporters and admirers. The fact that he was a “new man,” who fervently wished to win recognition, respect, and the consulship, prompted him both to excel, and to tread carefully between the various opposing political camps. He supported the motion granting Pompey supreme command in the war against the pirates in 67, and in 66, as praetor, gave a rousing speech (which has survived intact) proposing that the latter be given command in the war against Mithridates. At the same time, he took care not to upset senior senators, who were hostile toward Pompey and whose support he needed for his own advancement.⁴⁵ In 64, aged 42, and having served as quaestor (75), plebeian aedile (69), and praetor (66), he presented his candidacy for the consulship for 63. To all the positions in which he had served until then he had been elected at the minimum age required by law, and in every election campaign in which he had taken part he had headed the list of winners.

Antonius and Catiline joined forces and pooled their resources and supporters to defeat Cicero’s bid; but they failed. Cicero and Antonius were declared consuls for 63. Catiline was resolute to try his luck again and ran for the consulate of 62, seeking to enlist the support of various groups within Roman society who were deeply in debt by propagating the idea of cancellation of debts (*tabulae novae*). He intimidated both his co-contenders and Cicero, who as consul presided over the elections, wore a breastplate and was surrounded by an official bodyguard. Catiline nonetheless, lost again to two other candidates. His political hopes and pride crushed, and deeply in debt, with the support of disgruntled and impoverished members of the elite, he conspired to kill Cicero and to assume power by force.

Cicero knew about Catiline’s plans, but in the absence of solid proof was unable to convince the senate to take firm action. Some precautionary measures were taken, and the senate declared a state of emergency (*senatus consultum ultimum*) which gave Cicero at least some moral backing. On November 8, 63, Cicero delivered his first speech against Catiline, who was present in the senate and brazenly refuted Cicero’s accusations, but on the very same night Catiline left for Etruria where his supporters had enlisted an army. Only after Cicero had presented the senate with written evidence confirming Catiline’s plans, was he able to take action and arrest the conspirators who were still in Rome. In the dramatic debate that broke out in the senate on December 5, 63, which had convened under Cicero’s presidency to discuss the conspirators’ fate, many demanded that the conspirators be put to death, while others were more lenient. Julius Caesar, who was then praetor elect for 62 and suspected of being one

of Catiline's supporters, questioned the legality of execution under a *senatus consultum ultimum* and suggested that the conspirators' goods be confiscated and that they be imprisoned for life.⁴⁶ His words stirred doubt in the senators, but then the tribune elect, Marcus Porcius Cato, the great-grandson of Cato the Elder, took the floor, and in a vehement speech stressed the exceptional severity of their deeds and strongly advocated a death sentence.⁴⁷ His words carried the day. Relying on the senate's decision Cicero had the five conspirators killed. Catiline himself was killed in battle in Etruria about a month later. Cicero doubtless saved Rome from a coup d'état and was hailed *pater patriae* ("Father of the Fatherland") by the senate, an honorary title conferred on very few in the past. He was to pay a heavy price for his decision.

Once the Catilinarian threat was lifted, the senate did not probe into its causes or possible repercussions; the temporary unity among senators and *equites* which Cicero wished to maintain and further develop soon dissolved into the usual squabbles and rivalries. Rome now waited nervously for Pompey who was about to return victorious from the East. Sulla's march on Rome still cast a long shadow over Roman politics.

But Pompey, who landed in Italy at the end of 62, dismissed his troops, contrary to the rumors that he was going to be another Sulla. He divorced his wife for alleged infidelity thus making enemies of her relatives, the Metelli, overnight, and tried to ally himself to Cato through marriage but was rudely turned down. All the enemies that he had made over close to two decades gathered in Rome and were ready to take their revenge on him. Headed by Cato, the senate rebutted his two quite reasonable demands: lands for his soldiers and ratifications of his wide-ranging arrangements in the East. Attempts to pass the agrarian bill failed and Lucullus had his sweet revenge by preventing the ratification of Pompey's eastern arrangements.

The impending menace removed, Rome turned all its attention to a spicy scandal. Publius Clodius Pulcher, scion of one of the most distinguished patrician families, was caught dressed as a woman during the celebrations of the festival of the Bona Dea, in which only women were allowed to participate. Julius Caesar, in whose house the religious rites took place, divorced his wife with whom allegedly Clodius was having an affair, claiming that "Caesar's wife must be above suspicion." Clodius was indicted for sacrilege, tried by a special court, but eventually absolved, despite the fact that Cicero refuted his alibi. Cicero claimed that the judges had been bribed; Clodius, for his part, never forgave Cicero for having testified against him.

Once the scandal was over Pompey resumed his efforts to achieve his aims; but he failed. Lucius Afranius, consul in 60 and Pompey's

associate, was of little help. His political enemies took much pleasure in humiliating him time and again. As Dio Cassius (37.50.6) observed: "Thus he learned that he did not possess real power, but merely the name and envy resulting from his former authority, while in point of fact he received no benefit from it." Syme, paraphrasing Cicero's remark (*Att.* 1.16.8) summed up Pompey's situation in one powerful sentence: "the triumphal robe of Magnus seemed chill comfort in political defeat."⁴⁸ Pompey desperately needed a way out of this stagnation.

Crassus, who was willing to lend his hand to any measure against Pompey, found himself at blows with the senate headed by Cato over two matters concerning his close allies, the *equites*: the request by the publicans who gathered the taxes in the province of Asia (see above) to reduce the sum they had to pay to the treasury as agreed in their original contract of 61, and the ratification of a senatorial decree calling for an investigation into some cases of bribery of judges following Clodius' acquittal (the *equites* were not covered by Sulla's law penalizing senatorial judges who accepted bribes) (p.93). Cicero, who had reservations about the tax reduction, thought, nonetheless, that it should be granted so that the *equites* would not be estranged from the senate. He (*Att.* 2.1) criticized Cato for his political blindness claiming that Cato would be more at home in Plato's republic than in the cesspool of Romulus. It would have seemed logical for Pompey and Crassus to join forces as they had in 70 to push through their agendas, but the enduring animosity and total distrust between the two individuals hindered any cooperation; it took a third party to mend the rift.

Gaius Julius Caesar was a scion of an old yet not very illustrious patrician family. His aunt married Marius and he himself married Cinna's daughter. Refusing to accede to Sulla's order to divorce his wife; he barely managed to escape the dictator's wrath. After military service in the East and rhetoric studies in Rhodes, he returned to Rome, and in order to make a name for himself, brought several politicians to trial. From the very beginning he presented himself as a *popularis*, as a staunch follower of the Marian legacy and as a supporter of Pompey. To the senate's dismay and anger, in 63 he was elected *pontifex maximus*, the highest religious priesthood in Rome, over men much older and more venerated than himself. Although he divorced his (second) wife on account of the Bona Dea scandal, he refused to testify against Clodius in court. In 61 he left for his province in Farther Spain as *propraetor* and made it no secret that he intended to run for the consulate of 59.

Upon his return in 60 he wished to present his candidacy, but as a commander with *imperium* (p.60) he was unable to enter the sacred

precincts of the city (*pomerium*) before he had celebrated his triumph; he therefore asked for permission to stand for the elections *in absentia*. The senate headed by Cato refused. Considering the consulate far more important than the triumph,⁴⁹ Caesar entered the city as an ordinary citizen. Cato, who was apprehensive lest his son-in-law, Marcus Calpurnius Bibulus, who was also running for the consulate, might lose the elections, did not hesitate to bribe the voters, claiming that it was for the good of the Republic. Caesar and Bibulus were indeed elected consuls for 59.

Contrary to Pompey, Caesar was on good terms with Crassus who had helped him pay his heavy debts on the eve of his departure to Spain in 61, thus saving him from his creditors. Rumors had it that both had somehow been involved in the Catilinarian conspiracy, but no solid proof was ever presented to validate the accusation. Caesar reconciled Pompey and Crassus and the three struck an informal alliance known as the “first triumvirate,” an accord that largely determined the events in Rome in the following decade—which turned out to be the Republic’s last. The Roman historian Florus (2.13.11) claimed that the agreement between the three stemmed from Caesar’s desire to win honor that came with the consulate (*dignitas*), Crassus’ wish to increase his wealth, Pompey’s eagerness to retain his power and “all alike being eager for power, readily came to an agreement to seize the government.”

Cato’s role in driving the three into each other’s arms was dominant. Stubborn and self-righteous, he thought that he could curb Caesar as he had done Pompey, but he was to be proven wrong. Cicero, who politely refused Caesar’s approaches, noted (*Att.* 2.21) already in 59 that in their indignation with Cato they had ruined the state.

The pact was a secret one and unfolded only gradually as Caesar began to fulfill his obligations to his allies. As he entered office, Caesar attempted to pass a bill assigning lands to Pompey’s veterans through the senate, but Cato persuaded the senators to reject it. Following this rebuff, Caesar took his motion to the people. Although Bibulus tried to obstruct the motion by announcing unfavorable omens, Caesar disregarded his colleague’s maneuvers and, to prevent further interruption, he assembled some of Pompey’s veterans in the Forum. He then introduced another agrarian law according to which the Campanian lands, from which the state drew large revenues, were to be distributed to veterans and to fathers of large families. With the help of Publius Vatinius, a tribune of the *plebs*, he ratified Pompey’s eastern arrangements, and to oblige Crassus, the contract of the Asian tax farmers was reduced by one third. Caesar also enacted other administrative measures defining the powers of provincial governors

and ordered the publication of the senate's proceedings. To seal the pact between Caesar and Pompey, the latter married young Julia, Caesar's only child.

Caesar then turned his attention to his own interests. The senate, perhaps foreseeing Caesar's election, had allotted to the consuls of 59 (hence the proconsuls for 58) "the woods and the pastures" of Italy,⁵⁰ a task that did not promise large armies and great glory. This did not accord with Caesar's ambitions. Accordingly, Caesar's associate, the tribune of the *plebs* Vatinius, passed a law allotting Caesar the provinces of Cisalpine Gaul and Illyricum for five years with three legions, along with the right to appoint legates and to found colonies. When the designated proconsul for Transalpine Gaul suddenly died, Pompey passed a motion in the senate which added this province to Caesar's command.

As the pact came out in the open, reaction and opposition started to form. But in view of Caesar's violent tactics there was little that the opposition headed by Cato could do. Bibulus, Caesar's colleague, stayed home practically throughout his consulship, publishing edicts and watching the skies for omens in the hope of subsequently invalidating Caesar's legislation by claiming that they were unfavorable. A sarcastic verse that was on everyone's lips claimed that the two consuls in Rome that year were named Julius and Caesar respectively.⁵¹

His missions accomplished, Caesar had to see to it that his achievements would not be canceled once he left for his provinces. Pompey and Crassus were to stay in Rome, but Caesar, who did not fully trust his partners, was not sure that the two, having had their issues settled, would remain loyal once he left Rome. To that purpose he saw to it that the next pair of consuls would be his adherents, and as *pontifex maximus* (with Pompey as augur) he oversaw the adoption of the patrician Publius Clodius Pulcher into a plebeian family (*transitio ad plebem*), thus making him a plebeian. Clodius had previously attempted unsuccessfully to become plebeian so that he could be elected tribune of the *plebs*; he had his own agenda, but Caesar hoped that he would keep potentially troublesome senators such as Cicero, with whom Clodius had a private feud, and Cato in check.

Clodius was duly elected tribune for 58 and immediately upon entering office initiated a wide legislative program whose repercussions were immense. The price of grain sold to the people of Rome had been subsidized by the state since Gaius Gracchus' legislation (see above). Clodius' law now ordered the free distribution of grain to some 320,000 residents of Rome. He next renewed the activities of the *collegia* (p.65) which had been suppressed in 64 and

allowed the creation of new ones. These two measures earned him extreme popularity with the masses from whom he enlisted armed gangs, enabling him to terrorize his rivals and rule the Forum. In reaction to Bibulus' attempts to invalidate Caesar's acts by declaring unfavorable omens, he enacted a law that magistrates could not obstruct public business by declaring bad signs. Another of his laws stated that the censors could not eject senators without a prior judicial inquiry (p.79).

Clodius had been threatening Cicero ever since his trial for sacrilege. With legislative powers in his hand, Clodius sought revenge. He passed a law outlawing any person who had put to death Roman citizens without a trial. The measure, which was intended to restrict the extra-legal authority of the senate and its misuse of power under a *senatus consultum ultimum*, was obviously aimed at Cicero, who as consul in 63, under the auspices of the senate's ultimate decree, had overseen the execution of the Catilinarian conspirators (see above). Cicero failed to enlist the help of the triumvirs and, humiliated, left the city for voluntary exile. On the very same day Clodius passed a bill that exiled Cicero officially and allowed for the confiscation of his property. Clodius had Cato removed from the city as well but in a much more respectable manner; Cato was assigned with the organization of Cyprus, which had been recently annexed to Rome, as part of the province of Cilicia. Historians have debated whether Clodius was a tool in the hands of the triumvirs or pursued his own agenda. At a certain point he started to harass Pompey and to publicly humiliate him; when the assaults became violent, Pompey, fearing for his life, stayed at home for several months. It is not certain, however, whether it was Caesar and Crassus who encouraged Clodius to intimidate Pompey. When it became clear that the organized gangs that Clodius had formed were to continue supporting him even after he completed his term of office, his opponents, headed by the tribune of the *plebs* of 57, Titus Annius Milo, formed gangs of their own. The gangs clashed continuously, and Rome, which had no proper police force, found it impossible to deal with this kind of urban violence which was to play a crucial part in the years to come.⁵² Another anti-Clodian measure was Cicero's recall from exile (August 57), in which Pompey played a major part.

Clodius's stormy year in office caused a rift within the triumvirs as Pompey believed that Crassus was behind the tribune's acts. With Pompey's massive support for Cicero's return, Caesar's rivals in the senate were led to believe that they might now drive a wedge between the three. To overcome a severe shortage of grain, Pompey was put in charge of the grain supply (*curator annonae*) with proconsular *imperium* for five years and fifteen legates. Crassus, needless to say,

was not too happy with this decision. When threats were made to annul his legislation, Caesar, who feared that Pompey might turn against him, summoned Crassus to Ravenna and the two then invited Pompey to Luca (April 56) where they renewed their pact. Some 120 senators followed suit to show their support.

The elections for 55 were postponed so that Crassus and Pompey could present their candidacy for a second joint consulship. They were both successful after Caesar's soldiers, sent especially from Gaul, drove away the other candidates. Cato too was forcefully prevented from standing for the praetorship. Once in office, they carried out what had been probably decided in Luca: Caesar's command was to be prolonged for five years (he needed more time to completely subdue Gaul); Pompey was to receive command of the two Spanish provinces for five years, but since he was in charge of the grain supply, he was allowed to remain in Rome and to command the provinces through legates; Crassus was allotted the province of Syria for five years whence he was to wage war on Parthia. As they stepped down from office, Rome dissolved into turmoil.

Anarchy is perhaps the only word that can properly describe the events of 54–53. Violence and bribery were rampant; the elections of 54 were postponed several times and 53 ended without consular elections. A lethal street fight that erupted between the gangs of Milo (who was a consular candidate for 52) and those of Clodius (who was a candidate for the praetorship) on January 18, 52, on the Appian Way, ended with the latter's murder. The bereaved mob burned the body of its hero together with the senate house. The capital of the empire was in complete chaos. Once again the senate turned to Pompey to save the state and in 52 he was appointed sole consul. Cato and his followers supported the unprecedented motion.

The triumvirate had in fact ceased to exist. Crassus perished with his army in Carrhae in 53; Julia, Caesar's daughter and Pompey's wife, had died in childbirth a year earlier, and Pompey declined Caesar's offer for another marriage alliance. Pompey perhaps believed that Caesar, who had been pouring the riches of Gaul into Rome to buy supporters and to cultivate young men by paying off their debts, was losing strength on account of the great rebellion that erupted in Gaul in 52, which threatened to jeopardize all of his previous achievements. In fact there was little left to hold the two together. For Pompey, the new situation in which the diehard senators rallied to his help was doubtless flattering. For once it seemed that it was his turn to pull the strings.

Pompey enacted a law against violence and against electoral abuse, and saw to the indictment and condemnation of Milo, a step that was not well received by many senators. While sole consul, Pompey

showed good will toward Caesar by exempting him from his own recent law forbidding candidates for the consulate to present their candidacy *in absentia*. Yet at the same time Pompey saw to the extension of his Spanish command; he did not pass a similar law regarding that of Caesar's. Moreover, in view of the Parthian threat that followed the crushing defeat of Crassus, the senate ordered both Pompey and Caesar to each send a legion from their forces to Syria. Pompey responded by sending the legion that he had lent Caesar in 53, thus enfeebling Caesar's forces by two legions. When things in Rome started to calm down, Pompey, showing himself to be loyal to republican traditions, took on a consular colleague, his new father-in-law Metellus Scipio, who was hostile to Caesar.

In 51, the consul Marcus Claudius Marcellus attacked Caesar's request to prolong his command until the end of 49 (instead of the end of 50) and to stand for the consulate of 48 *in absentia*, suggesting that Caesar's command be terminated since Gaul had been already subjected. His motions were vetoed and it was agreed, with Pompey's support, not to discuss the question of Caesar's successor before March 1, 50.

In 50, the question of the termination date of Caesar's command became acute. Gaius Scribonius Curio, a tribune of the *plebs* and one of the young men whom Caesar had enticed with money, used his veto to obstruct any discussion relating to Caesar's successor. Throughout the year Pompey's attitude remained ambiguous, but it was becoming more and more evident that the rivalry was now centered between the two, as Caesar stood to lose his legions, while Pompey would retain his. On December 1, 50, Curio proposed to the senate that both Pompey and Caesar relinquish their command and armies. An impressive majority of 370 senators voted for; only 22 objected. Doubtless, the majority of senators, many of whom had witnessed as young men the horrors of the civil wars of the 80s, longed for peace. Yet such a step would have compromised Pompey's special status, and Caesar's staunch enemies clearly wanted his head, not a settlement. The consul Gaius Claudius Marcellus ignored the senatorial decision and, claiming that Caesar was about to invade Italy, asked Pompey to assume command over all the forces in Italy.

Pompey did not hesitate too long before accepting the appointment, thus clearly implying that he was no longer interested in a compromise. Caesar, however, was still seeking to reach a viable solution. On January 1, 49, the tribune of the *plebs* Marcus Antonius (Mark Antony), who was Caesar's adherent, revived Curio's proposal, but the consuls, supported by Pompey, prevented the motion from being brought to vote. Cicero's attempts to negotiate between the two were also obstructed by the diehard senators. On January 7, 49,

Marcus Antonius and a fellow tribune were advised to leave the senate. The two fled to Caesar who was camping in Ravenna, claiming that their lives had been threatened. The senate declared a state of emergency (SCU), and Caesar was warned that he would be declared a public enemy if he refused to renounce his provinces and his armies. Caesar did not really have a choice; capitulation was clearly equivalent to political suicide. He could not let all his achievements and his honor (*dignitas*) be trampled. On the night of January 11, 49, on the pretext that the tribunician powers have been debilitated,⁵³ Caesar crossed the Rubicon, a small river not far from Ariminum (modern Rimini) that divided his province from Italy, declaring that the “die had been cast” (*alea iacta est*). He thus ushered in a period of some eighteen years of gruesome civil wars that brought an end to the Republic and its system of governance.

2 Roman Society

Introductory Notes

The *populus Romanus* (Roman people) was an intricate web of groupings and social relationships that cannot be easily untangled from a distance of over two millennia. Its main features were rigid hierarchy and classification into groups and sub-groups. Although nominally all citizens were equal before the law—that was practically all that they had in common. Beyond the obvious distinctions between slaves and free men, or rich and poor, there were other highly significant classifications in the Roman sociopolitical fabric. These finer points of social distinctions of status—some statutory and some merely traditional—have no real modern equivalents.

Roman citizens were categorized by place of residence (*tribus*), by origin (patrician or plebeian), or by property and age (*classis* and *centuria*). In the upper echelons there was a distinction between *nobiles* (literally, “well-known people”) and *novi homines* (“new men”), and between senators and *equites* (conventionally called knights or equestrians). The senate, members of which from the end of the fourth century BCE were all former magistrates (*ordo senatorius*), was itself a hierarchical body, with each member’s status determined by the highest office that he had previously attained (p.85).¹ Within the *equites*, a distinction was made between the *publicani*—the big “business tycoons” who competed for state contracts—and those from the smaller-scale financial and commercial sectors, from bankers (*argentarii*) and large-scale merchants (*negotiatores*) down to moneychangers (*nummularii*).

The picture among the lower classes is equally complex. Roman citizens of ancient stock—even the poorest of the poor—enjoyed a more respectable status than freedmen and their offspring who remained subject to various civic and political disqualifications for several generations, even if they were much wealthier.

In the following sections we shall attempt to put together the pieces of the puzzle that made up ancient Roman society—a puzzle clear to any citizen of the time, who was not only acutely aware of his place within the scheme, but conducted himself accordingly.

Territorial Divisions

1 Tribes

Roman society was originally divided into three tribes (*tribus*). It has been argued that this division was along ethnic lines, but it is more likely to have been an artificial territorial division to provide for the administrative and military needs of the archaic community. Each tribe consisted of ten units (sg. *curia* pl. *curiae*), each of which was made up of an unknown number of clans (*gentes* see below). Membership in the *curiae* was hereditary and as tribal units they formed the basis from which the army was recruited and the archaic popular assembly (*comitia curiata*) convoked (p.00). By all accounts their members constituted the whole of Roman citizenry at the time. In the middle of the sixth century BCE, following military gains, territorial expansion in Latium, and economic prosperity, new populations comprising conquered peoples and immigrants who were not aligned to the ancient *gentes*, *curiae*, and tribes became residents in the Roman lands (*ager Romanus*). To add these to the citizen body and thus subject them to conscription and taxation, Rome's sixth king, Servius Tullius (578–535), is said to have launched a comprehensive reform. He built a wall around the city, abolished the tripartite tribal system (but not the *curiae*), and divided the territory within Rome into four districts, establishing four new urban tribes, one for each district; every male resident of these districts became a citizen regardless of membership in a *curia*.² Rome's rural region was divided into twenty-six districts (*pagi*), which eventually coalesced into the first seventeen rural tribes.³ The number of tribes grew as Rome expanded throughout the Italian peninsula. Whenever conquered territories were annexed to the *ager Romanus*, new rural tribes were created to incorporate and register both the Roman citizens who were assigned plots of land in the newly acquired regions and the local population upon whom citizenship had been conferred. The number of urban tribes, however, remained at four.

In 241, the last two rural tribes were created and the number then totaled thirty-five (thirty-one rural and four urban tribes); from that point onwards no new tribes were created. Instead, by a decree of the senate, ratified by a law of the plebeian assembly, newly annexed territories and their inhabitants—both Roman citizens and enfranchised locals—were assigned to one or more of the rural tribes that already existed. This principle was strictly adhered to even after the Social War (p.00) when the entire Italian population south of the Po was granted Roman citizenship and their lands became part of the *ager Romanus*. Despite much acrimonious debate, those who called for the creation of new tribes for the recently enfranchised population were outweighed; the number of tribes remained fixed at thirty-five

and the new citizens (who totaled 910,000 in the *census* of 70) were registered in the old tribes.⁴

The tribes were territorial and administrative entities, with each citizen registered as a member of the tribe within whose boundaries he resided and held some property (on freedmen see below). Membership in a tribe was tantamount to proof of Roman citizenship, thus the official name of each citizen also included the name of his tribe.⁵ Landholders who owned property in the territories of more than one tribe could choose to which of those tribes they wished to belong.

Until the middle of the third century BCE, tribes were geographically contiguous entities. After 241, tribes began to be composed of several territorial units quite distant from each other. This territorial fragmentation and the geographical distances involved made it impossible to maintain true bonds within the tribe and without the common interests based on shared local concerns, the administrative functions of the original tribes gradually gave way to local organizational units. The tribe itself became merely an artificial framework mainly a voting unit. Therefore, it was only natural that the administrative headquarters of each tribe and its officers such as *tribunes* and *divisores* were located at the center of political life—namely, in Rome itself.

Tribes were far from equal in terms of territory or the number of registered citizens. Few of the newly annexed territories were adjoined to the rural tribes whose lands lay around Rome, and the number of citizens registered within them remained comparatively small (in some cases, according to some accounts, as little as a few hundred).⁶ With the four urban tribes, the picture was entirely different. After 304, the censors began registering all freedmen in these tribes, irrespective of their place of residence (an issue which remained controversial throughout the Republic). Since the urban tribes also included all those without property (*proletarii*), as well as citizens who had been moved from rural tribes by the censors as punishment for disgraceful behavior or following a conviction (p.140), they were considered less reputable.

2 *Municipia*

Municipium (pl. *Municipia*) was the title attributed to several types of Italian communities in different periods. Its juridical and etymological roots are unknown, but it appears to stem from the word *munus*, generally meaning a citizen's duty toward the state, in particular, the duty of military service.⁷

When Rome began its expansion in Latium, it annexed some of the

conquered cities to the *ager Romanus*, granting their inhabitants full Roman citizenship. The newly incorporated towns—whose inhabitants were registered in the Roman tribes, served in the legions, and had the right to vote (*ius suffragii*) in the popular assemblies in Rome and to be elected to the various magistracies (*ius honorum*), while nevertheless continuing to be self-governed—were the first communities to be called *municipia*. The most outstanding example was Tusculum, some 24 km southeast of Rome, which became the first *municipium* in 381, and which was to produce a greater number of consuls than all other *municipia* put together.⁸ Toward the end of the fourth century BCE, this practice was stopped, and inhabitants of towns that Rome had conquered and annexed in Latium and Campania were now granted only partial citizenship—namely, without the right to vote or to be elected. These towns, known explicitly as “towns without voting rights” (*civitates sine suffragio*), provided troops for the Roman legions, and were forbidden to conduct “foreign affairs” independently, but were otherwise autonomous. These communities too were dubbed *municipia*. Their inhabitants had the right to contract a legal marriage with Roman citizens (*ius connubii*) and purchase, possess, and transfer property according to Roman law (*ius commercii*); upon immigration to Rome they could become full Roman citizens. In 188, the last *civitates sine suffragio* were fully enfranchised, and their inhabitants were registered in the Roman tribes and thus completely incorporated into the Roman citizenry. From the end of the fourth century BCE Rome’s alliances with the Italian communities it came to dominate ceased to be based on modules of Roman citizenship; the communities, now dubbed *socii* or *foederati*, remained fully autonomous, their dependence on Rome expressed in their inability to conduct “foreign affairs” and the obligation to provide troops to the Roman army (*auxilia*). Separate agreements were signed with each town, usually placing its governance in the hands of local elites who were loyal to Rome.

In the wake of the Social War, full citizenship was granted to all Italian inhabitants south of the Po. This revolutionary change required comprehensive reorganization of local government and administration. Since, as noted above, the senate did not opt to create new tribes for the new citizens, but preferred to distribute them among the existing tribes, the real transformation took place at the local level. The whole of Italy was divided into territorial units called *municipia civium Romanorum* (*municipia* of Roman citizens). These were not uniform in size, and often overlapped existing local communities. This arrangement was also imposed upon regions where the existing communal structure was more tribal than urban.

Before the Social War, Italy was a patchwork of diverse

organizational and political units—all allied to Rome; subsequently it became uniform in terms of administration at the local level, and the various communities that had hitherto enjoyed full or partial autonomy under the terms of the alliance that they had each signed with Rome in earlier times disappeared completely.

The process of establishing new *municipia*, setting their boundaries, and integrating them within a national framework was protracted and complex, and undoubtedly brought about an accelerated process of urbanization. By its end, Rome was no longer a city-state, but a land made up of a large number of local administrative units. The state's political institutions, however, which had been designed to govern a city-state, remained unchanged until the fall of the Republic.

Little is known about the structure of the new form of local government, other than that each *municipium* was run by a board of four men (*quattuorviri*). Despite the new-fangled administrative organization, traditional cultural customs were carefully preserved long into the Empire.

The new administrative reality gave every Roman citizen two fatherlands (*duae patriae*): the *municipium* to which he belonged “by nature” (*natura*), and Rome, by virtue of citizenship (*civitas*)—the former by birth, the latter by law (*ius*). On the emotions engendered by this dual allegiance and the sense of belonging at once to both a local and a national framework, Cicero (*Leg.* 2.5) remarked:

I shall never deny that my fatherland is here [Arpinum], though my other fatherland [Rome] is greater and includes this one within it; [and in the same way every native of an Italian town, in my opinion,] has [two] citizenships but thinks of them as one citizenship.

It is impossible to gauge whether all the newly enfranchised Italian inhabitants were indeed registered in the censuses held after the Social War in 86 and in 70. Nonetheless, in all likelihood, the prominent and wealthy citizens of the *municipia* were the first to gain Roman citizenship through registration in the tribes and *centuriae*. Judging by the advice offered to Cicero at the start his election campaign for the consulate, they became a force to be reckoned with within the centuriate assembly (p. 114).

3 Urban and Rural Administrative Units: *Pagi* and *Vici*

The *pagi* (sg. *pagus*) were the smallest units in Roman rural administration. In the final years of the monarchy or the early days of

the Republic, the twenty-six *pagi*—then the rural districts around the city of Rome—were grouped into seventeen tribes, which were subsequently added to the four urban tribes.⁹ In later periods, after the municipalization of Italy, the *pagi* continued to be the fundamental administrative units of the new communities. Each *pagus* was headed by a committee of three or four men, known as *magistri* (magistrates).

The *vici* (sg. *vicus*) were blocks of buildings or streets that extended on the four sides of a crossroads (*compitum*) in both villages and towns. In villages, the *vici* were accountable to the *pagus* authorities, while in towns they were, in effect, urban districts subordinated to the urban authority. Each *vicus* was managed by a board of three or four magistrates elected by its residents. At the center of each crossroads stood a small temple for a guardian deity, the cult of which was the responsibility of an official elected by the residents of the *vicus*. The *compitalia* or festival of the crossroads—originally an agricultural festival—was celebrated with great fanfare every year for three fairly raucous days in the latter half of December, by free men and slaves alike.¹⁰

Timocratic Divisions: *Census, Classes, and Centuriae*

Roman historians recount that after dividing the citizens of Rome among the four urban tribes, Servius Tullius classified them according to their property (*census*), to establish their position within the new military organization that he had devised. The wealthiest and most esteemed citizens were grouped into eighteen *centuriae* (centuries), each comprising one hundred *equites* (knights). The remaining citizens were divided into five property *classes* (sg. *classis*), from which the infantry was recruited. The assets of an infantryman were established according to the equipment and weapons that he could bring with him to military service. Each *classis* was divided into an equal number of centuries of *iuniores*, whose members were aged 17–45, and *seniores*, aged 46–60. The *iuniores* were assigned to fighting on the front, while the function of the *seniores* was to defend the city. Four centuries of artisans and musicians were formed to provide services needed by the army, such as blacksmiths, carpenters, and trumpeters. Citizens with no property whatsoever—the *proletarii*, so called because their only assets were their progeny (*proles*)—were grouped into a single *centuria*. The *proletarii*, who were also known as the *capite censi*, those counted by head, were exempt from military duty and conscripted only in times of emergency.¹¹ The Servian classification, described in detail by both Livy and Dionysius of Halicarnassus, was as follows:¹²

It is impossible to establish whether this classification was indeed implemented by Rome's sixth king, or is a depiction of the Roman military at a later period. It is clear, however, that Servius Tullius—for political, military, and fiscal reasons organized the community along timocratic lines. His reforms embodied the view, commonly held throughout the ancient world that the military burden should be borne only by those of means, because only they had something to lose in case of defeat.¹³ Therefore, those with little or no property at all—a number that grew continuously—were to be exempted from military duty. However, by the same token, they were also released from all public service, rendering them effectively disenfranchised, despite the theoretical equality before the law. As Livy (1.43.10) discerned:

All these [military] burdens were shifted from the shoulders of the poor to those of the rich. The latter were then granted special privileges: for man by man suffrage, implying equality of power and of rights, was no longer given promiscuously to all, as had been the practice handed down by Romulus and observed by all other kings; but gradations were introduced, so that ostensibly no one should be excluded from the suffrage, and yet the power should rest with the leading citizens.

After the abolition of the monarchy, the consuls assumed responsibility for conducting the *census*. In 443, a new magistracy was set up expressly for this purpose. Two censors (p.76), whose title derived from their principal function, were hence elected every five years for a term of eighteen months, and from that time onwards, barring exceptional political or military circumstances, a *census* was usually conducted every five years. The last republican *census* was held in 70.

Why was it so important for the Romans to count and classify their citizen body—a highly difficult and complex task in every respect—every five years? The frequency of the Roman census has no equal in ancient or even modern societies. The answer appears to lie in the steady and considerable growth of the *populus Romanus*, which was not only the result of natural increase. As we have seen, as it expanded in Latium and then in Italy, Rome would grant citizenship to the local populations, especially those close to Romans in origin, religion, and customs, thereby creating an ever-growing reserve of manpower to call upon in future campaigns. Toward the middle of the fourth century BCE, however, it stopped this practice, preferring instead to grant partial citizenship or, especially with regard to Italy (see above), to dominate the local populations through a complex web of alliances. However, in the second and first centuries BCE, the

number of citizens grew more rapidly with the manumission of large numbers of slaves, who by custom were automatically granted full citizenship upon emancipation (p.53).

Not only were territories added and populations enfranchised, but Roman citizens too were constantly on the move, whether to join colonies that Rome had founded in various parts of Italy, to farm lands assigned to them in newly annexed territories, or to find employment in Rome or other burgeoning urban centers. In addition to tracking the ever-changing demographics of the population, the *census* allowed the censors to monitor—and thereby regulate—the changes in the economic and social status within the community that accompanied Rome's expansion. While counting the citizens and assessing their property were valuable for conscription and taxation purposes, those aspects of the *census* largely lost their relevance after Rome's decision to stop collecting direct tax (*tributum*) from its citizens in 167, and following Marius' reforms of 106, which replaced the previous system of conscription. A significant *raison-d'être* of the *census* was political: it supervised the registration of new citizens into the various tribes and ensured that each citizen was assigned to his designated place in the *centuriae* to preserve the principle, acclaimed by Cicero, that "the most numerous shall not count the most" (*ne plurimum valeant plurimi*).¹⁴ The overriding concern was to guarantee that the decisive electoral votes in the centuriate assembly—which had long since ceased to be a military body and had become the assembly where the most senior magistrates were elected—be assigned to citizens of means, whose interests were in line with those of the ruling elite.

As mentioned above, after the Social War the political elite in Rome was sharply divided over whether to create new tribes for the new citizens from Italy or to register them in the existing thirty-five tribes. The settlement of this issue proved protracted, complex, and controversial, and the debate was even exploited for propaganda purposes in the civil wars of the 80s, but finally, in 70, the censors registered the new citizens in the old thirty-five tribes, bringing the total of Roman citizens to 910,000.¹⁵ It is very likely that when the censors of 70 stepped down from office after eighteen months, the registration of the total Italian population had not yet been completed. This was not a matter of concern for some Romans; they preferred to defer the registration of new Italian citizens as much as possible, so as to minimize their impact on political life in the capital. Perhaps for that reason, from 70 until the Republic's demise, not a single pair of censors completed their term of office, and the processing and registration of all Italian residents as Roman citizens was completed only under the reign of Augustus.

Social Distinctions, Social Relations, and Social Organizations

1 *Gentes*

In early Rome, perhaps even before it had become a cohesive political entity, clans (*gentes* sg. *gens*) formed the basic socio-economic nucleus of the archaic community.¹⁶ Each *gens* comprised several families who traced their lineage to a common, sometimes heroic, ancestor, and acquired a distinctive name (*nomen gentilicium*), which was the most important element in their identity. Given names (*praenomina* sg. *praenomen*) were relatively few (some thirty are known and only half of them were commonly used and therefore usually abbreviated) and mattered only inasmuch as they distinguished between male members of the same family. The significance of the *gens* in Roman society is also apparent in the names of female clan members. All female members of a certain *gens* bore the feminine form of its name; thus, for example, every daughter born to the *gens* of the Claudii was called Claudia; those born to the Corneli were Cornelia; to the Julii, Julia, etc. If several daughters were born to the family, their official name was identical, and they were distinguished by the order of their birth (First, Second, Third) as well as by nicknames. The *gens* collectively owned lands and burial sites, and conducted religious ceremonies to honor ancestral cults. Some clans were obviously more affluent than others, their wealth stemming from the lands that they owned and the number of their clients (see below). The socio-economic and perhaps political importance of several clans can be inferred from the fact that sixteen of the seventeen old rural tribes were named after them, although they themselves no longer existed in the republican era.

With time the archaic clan structure disintegrated when clans split into smaller, nuclear families, yet the *nomen gentilicium* remained a significant component in the name of elite families as it reflected their antiquity and prominence. To distinguish themselves from other branches of the archaic *gens*, families began to acquire a third name (*cognomen*), so that almost each member of a respectable Roman family usually bore a tripartite name (*tria nomina*): a given name (the eldest son was usually given his father's name, and younger sons, if any, were given names traditionally used within the family), a *nomen gentilicium*, and a *cognomen*. Thus, the full name of Caesar was Gaius Julius Caesar, of Cicero, Marcus Tullius Cicero.¹⁷ Over time, with the splitting of families and the creation of new ones who took on the names of extinct lines, a shared *nomen gentilicium* was not necessarily indicative of blood relationship.

2 Patronage (*patrocinium*), Patrons (*patroni*), and Clients (*clientes*)

Patron-client relationships—reciprocal relations between free persons of unequal status—were probably the prevailing form of social relations during the archaic period and in the early days of the Republic. Like many other archaic phenomena its formation is attributed to Romulus. Clients were probably at first dependents of the *gentes* to which they belonged. Patrons were expected to explain the law to their clients (since in that period the laws had not yet been published), to advise them on legal and financial matters as if they were their children, to defend them in court when indicted, or to act on their behalf if wronged, “to put it briefly” as the source of our information, Dionysius of Halicarnassus (*Ant. Rom.* 2.10.1), sums it up “to secure for them both in private and in public affairs all the tranquility of which they particularly stood in need.” In return for the protection and services provided by the patron (*beneficia*), clients supplied their patrons with various services (*officia*), including—in the early days at least—contributing to ransom payments if the patron or his children were taken prisoner, helping in providing a dowry for the patron’s daughters, paying for the financial losses the patron sustained in legal actions, and sharing in expenses incurred by the patron’s participation in public life.¹⁸ Patrons and clients were not allowed to vote or testify against each other. Evidently, patronage did not consist necessarily of relations between rich and poor, as clients were expected to share in their patrons’ rather heavy expenses in return for guidance. These bonds, which were based on mutual trust and loyalty (*fides*), were already recognized and sanctioned as early as the middle of the fifth century BCE by a law of the Twelve Tables (Table 8.21), which asserted that a patron who mistreated his client could be severely punished.¹⁹

As legal expertise and practice remained the exclusive prerogative of the upper classes even after the laws were first codified and published in writing (451–450), and the formulary procedures involved in litigation (*legis actiones*) made public (306),²⁰ clients continued to seek their patrons’ help in counseling and representation. By 204, however, it seems that patrons were no longer prepared to plead cases free of charge. A law was therefore enacted (*lex Cincia*—still valid in the fourth century CE) which forbade patrons to accept compensation from their clients in return for legal services.²¹

The patrons’ duties remained legal in nature in the late Republic as well, while the client’s duties to his patron consisted mainly of courtesy visits every morning (*salutatio*) and escorting the patron to the Forum—to lend him prestige, and occasionally for his physical

protection. Clients were also expected to vote according to their patrons' preferences, especially if the patron himself was running for office.

Clearly, the patron-client relationship underwent many transformations over the centuries. While in earlier times patrons and clients mostly resided in close proximity, in later periods, after Rome's territorial expansion, the distribution of lands throughout Italy to Roman citizens, colonization, the migration from the countryside to towns, the gradual extinction of old families, and the transformation of the urban population into one comprising mostly freedmen of non-Italian stock, the traditional patterns of patronage became entirely inadequate. However, in the highly stratified and hierarchical structure of Roman society, the inherent patterns of patronage, dominance, and dependence, which were also extended and applied to Rome's foreign relations,²² did not so much disappear as take on new forms, with the new patronage relationships being much more fluid, at times even opportunistic. While in the past clients were loyal primarily to one patron, and the patron-client relationship tended to pass from one generation to the next within families, by the late Republic, and probably even earlier, it was often forged on an ad hoc basis, and often enough a significant number of clients had more than one patron.

Mathias Gelzer's (p.45) assertion that Roman politics were shaped and determined only by the personal relations between families of *nobiles* (p.45), who cemented their political ties through marriage and formed *factions* within the governing class that competed fiercely for the magistracies, especially the consulate, was widely accepted until the second half of the twentieth century CE.²³ Gelzer attributed a central role to the families' large mass of loyal clients, some hereditary, whose combined votes decided elections and political issues in keeping with "their masters' voice." In the last four decades or so, German, French, and British scholars, who have different views as to the nature of republican government, have cast doubt on Gelzer's theory, claiming that it is not corroborated by the ancient sources, and that patronage, although doubtless a most vital aspect of private and public life, was not as exclusive (hereditary clients with loyalty to only one patron) or as universal (encompassing a large part of the citizenry) as Gelzer would have had us believe, and that it hence did not have a significant impact on politics in general and on voting patterns in particular.²⁴

Indeed, both the size and the composition of the urban population in the late Republic did not allow for solid *clientela* ties. Although freedmen, who comprised the majority of the population in the city of Rome, became clients of their former patrons upon manumission and

enfranchisement, their voting power was negligible as they were all registered in the four urban tribes (p.28). Nonetheless, these ties, however fluid in character, divided in loyalties and of no substantial voting value, did indeed play an important role in political processes that preceded the actual voting. Clients greeted their patrons in large numbers whenever the latter entered the city, accompanied them to the Forum, and participated in the meetings convened by the magistrates (*contiones* p.28), where they could express their support not only by their mere presence, but also by heckling and retorting to the speaker's words. These pre-election meetings were of major importance in building the public image of any candidate for office or of a magistrate who proposed a bill, and therefore cannot be entirely ignored. When urban violence began agitating Roman politics in the 50s of the first century BCE, clients were also employed in the street scuffling conducted by the gangs of Clodius and Milo (p.106).

Far more important from the political point of view was the patronage involving members of the upper class and those who belonged to classes whose votes mattered in the centuriate assembly. To avoid the demeaning connotation of clientship in these contexts, such relationships were often euphemistically masked behind other somewhat vaguer terms, such as *amici*, *familiares* (friends, acquaintances), to suggest, ostensibly at least, a relationship between equals (p.116).

3 Patricians and *Plebs*

Patricians

It is impossible to determine when the initial Roman citizen body was split into patricians and *plebs*. Roman tradition attributed the division to Romulus, the city's legendary founder, yet several indications, such as the names of several kings, suggest that it came about only much later. It is not unlikely that the partition occurred only after the expulsion of the last king, Tarquinius Superbus, and the formation of a new regime, when a small group of families endeavored to assume exclusive control over the government of the nascent Republic. These were probably the descendants of old and esteemed families who wished to eradicate the impact of the Servian reform that had curtailed their influence. Servius Tullius, it should be remembered, seriously reduced the power of the *curiae* and the *gentes* who comprised them by annulling the old tripartite tribal division and allocating military and probably administrative preeminence as well to the wealthiest of the citizens regardless of their ancestry. Clearly, Servius Tullius, who unlike his predecessors had not been elected by

the senate, wished to reduce the influence of the older families by creating an upper class that would be loyal to him. The “Servian nobility” that eventually emerged most likely collaborated in deposing Tarquinius Superbus, Servius’s successor, who had usurped the throne and ruled like a tyrant. Once the new regime was installed, the older elite together with new families such as the Sabine Claudii (see below) endeavored to set itself apart and aimed to regain its previous supremacy. This can be construed, among other things, from the prohibition of intermarriage between patricians and plebeians introduced in a statute of the Twelve Tables (450)—implying that intermarriage had not been previously interdicted—which was annulled some five years later, and also from the manner in which the Fabian *gens* attempted to settle its quarrel with the Etruscan city of Veii: accompanied by their clients and organized in a formation based on the military structure prior to the Servian reforms, they set out to fight Veii (ca 477), only to meet a disastrous defeat.²⁵

It seems reasonable to assume that these families classified themselves as *patricii*. The word is derived from *pater*, meaning “father,” and since senators were addressed as *patres* (fathers), it has been maintained that the patricians originated from the first hundred men whom Romulus had appointed to the first senate.²⁶ The reverse has also been plausibly argued: that the title was probably awarded to the first senators because they were chosen from among the *patresfamilias*, the heads of the *gentes*.²⁷ Patrician status passed from father to son, and whoever was not a patrician was, by definition, a plebeian.

From the information that has survived it is not quite clear how these families achieved such a monopolistic hold on the positions of power for over a century and a half, but presumably the combination of pedigree, wealth, a large and loyal base of supporters, and their exclusive control of religious priesthoods gave them a significant advantage that they translated into political power.²⁸

The patricians closed their ranks already in the first years of the Republic. In 504, accompanied by some 5,000 clients, the Sabine Attus Clausus immigrated to Rome. He received lands for his family and a large retinue of clients and became, as far as we know, the last person to be added to the patricians during the republican era. He changed his name to Appius Claudius, and became the founder of a family that was to play a major role during the entire Republican era and the early Principate.

The patrician attempt to ban intermarriage between themselves and plebeians failed, yet their numbers—which were small to begin with—became even more depleted, and during the late Republic, there were only some thirty families on record. The number of patrician families

that survived was undoubtedly larger, but we know nothing about them since they have not left their mark in the lists of magistrates. Lucius Cornelius Sulla, Lucius Sergius Catilina (Catiline), and Gaius Julius Caesar, three of the most influential figures of the late Republic, belonged to patrician families whose members had accomplished little or no substantial political success for many generations. In the aftermath of the bloody civil wars of 49–31, Augustus, was given the power to create new patricians to fill certain priesthoods that by tradition were reserved for them alone.²⁹

Plebs

The word *plebs* is derived from the Indo-European root *ple*, which means multitude. At the outset of the Republic the *plebs* were not a socio-economic class in the Marxist sense of the word, but rather a large and heterogenic group comprising people of widely differing social and economic status whose political interests were poles apart. Their only common denominator during that period was the fact that they were not patricians.

During the nineteenth and the beginning of the twentieth centuries some scholars maintained that the plebeians were a foreign element to Roman society who had originated in conquered populations or people who immigrated to Rome. It was even suggested that they were ethnically different from the patricians. However, today it is commonly agreed that the plebeian population was an integral part of Rome's citizen body.³⁰

The strict division into plebeians and patricians portrayed in the ancient sources is somewhat confusing when compared with the evidence that they themselves provide. In 494 not all plebeians withdrew from Rome, indeed, it seems that most plebeians remained in the city.³¹ It was Menenius Agrippa, an ex-consul (503) a plebeian and greatly respected by the *plebs*, who was sent to bring them back, and there may well have been other plebeian consuls in the first decades of the Republic.³² All this suggests that the division of Roman citizenry into two parts was a post-monarchial phenomenon. The picture becomes even more complex if we consider voting patterns: since all magistrates were elected by the people from the outset of the Republic, we are led to assume that plebeians, whose number was significantly larger than that of the patricians, preferred to vote for patrician candidates. Relatively few plebeians were even elected to offices specifically designed to be open to plebeians, such as the military tribunes with consular powers (*tribuni militum consulari potestate*, conventionally called consular tribunes), comprising between three to eight yearly magistrates, which were created in 445

and alternated with the consulate until 367 (most of the few plebeians in this office were elected after 400).³³ The story is obviously much more complex than that presented by the ancient historians who compiled their texts long after the conflict had run its course. If all the plebeians—who by far outnumbered the patricians and who probably constituted the greatest part of the army—had been firmly united with uniform goals, the conflict would have taken another course.

It is not implausible that a select number of families, whom Livy (10.6.4) refers to as the “heads of the *plebs*” (*capita plebis*), who had risen to high status in the aftermath of the Servian reform, whose socio-economic status was similar to that of the “patricians”, and who were most likely instrumental in toppling the monarchy, were eventually kept away from the centers of power once the Republic was established.³⁴ This plebeian elite did not set out to seize power exclusively for themselves, but merely demanded an equal share in government. Taking advantage of the dire economic plight of large parts of the population during the first half of the fifth century BCE and the problem of debt-bondage (*nexum*), they embarked on a fascinating political struggle, which began in 494 when some plebeians withdrew from the city, and continued for approximately a century and a half, at the end of which the plebeian elite gained a foothold in all seats of political and religious power, without shedding a single drop of blood. Toward the end of the fourth century BCE, the two elites, who had forged bonds of intermarriage even before reaching political settlements, consolidated into a single ruling elite commonly known as the *nobilitas*,³⁵ under whose leadership Rome gradually gained control first over Italy and then over the entire Mediterranean. Those joining the roster of Roman citizens following Rome’s conquest and annexation of territories was classified as plebeians, irrespective of their socio-economic class.

Another factor that needs to be taken into consideration in this context concerns the fact that the collective noun characterizing the non-patrician Roman population—*plebs*—defined a different part of the citizenry at different times. At the dawn of the Republic, it referred to all those who were not patricians. At the end of the fourth century BCE, with the creation of the patricio-plebeian elite, the term lost its original meaning and referred to all citizens who did not belong to the office-holding stratum. Another group of Roman citizens was detached from the *plebs* in 123/2, when Gaius Sempronius Gracchus enacted a law stipulating that the judges of the criminal courts should be drawn from those citizens who possessed an equestrian fortune (400, 000 sesterces at the time of the late Republic)—thus creating the equestrian order (*ordo equester*).³⁶ Thereafter, the word *plebs* referred to anyone who was neither a senator nor an *eques*,

effectively becoming synonymous with “the common people.” As Horace wryly observed (*Epist.* 1.1.57–59): “you have sense, you have morals, eloquence and honor, but there are six or seven thousands short of the four hundred [400,000 sesterces], you will be one of the *plebs*.”

4 *Nobiles, Nobilitas, and Novi Homines*

The political, economic, social, and religious elite in the aftermath of the conflict of the orders is referred to as the *nobilitas*—a term whose meaning is ostensibly familiar to any modern reader, but whose contemporary derivatives (nobility, noblesse, Nobilität, nobiltà) are somewhat misleading in their connotations.

The term has no simple definition. It stems from the word *nobilis* (pl. *nobiles*), meaning “well known,” a label clearly bestowed upon anyone famous by virtue of his military or political achievements. However, the term *nobilitas* had no legal validity, and the ancient sources are notably silent as to the precise criteria demanded of anyone to be considered a member of this most senior and prestigious group in Roman society. Nonetheless, it is evident that at different times the term applied to different groups within the Roman elite.

How did someone become a *nobilis* and thus join this high-status group? Since the ancient testimonies are somewhat vague on this point, the question has remained open to debate among modern scholars, with much ink spilled in the attempt to establish an accurate and compelling definition.³⁷ It is generally agreed that, after the conflict between patricians and plebeians had been resolved, *nobilitas* was conferred on those who had held office and their descendants, but there is no consensus as to which magistracy represented the minimum threshold that, as Syme put it, “enobled a family forever.”³⁸ In an important book published in 1912 (which was translated into in English only in 1969), Matthias Gelzer argued that during the Ciceronian age, a person was considered a *nobilis* only if one of his forefathers—however distant—had served as consul, consular tribune, or dictator.³⁹ Many scholars, however, challenged this definition, claiming that it was too narrow.⁴⁰

As long as there was a limited number of curule magistracies (p.65), whose incumbents were entitled to the so called *ius imaginum*, the privilege of having their portraits in the form of a wax mask (*imago*) adorn a central room of the family house (*tablinum*) after their death⁴¹—it seems that any of their direct descendants was entitled to be called *nobilis*. Gradually, with the increase in the number of curule magistracies and the emergence of a clear hierarchy of public office, the definition probably narrowed, so that by the first century BCE it

might well be that Gelzer's criteria largely held true. Patrician origins, however, were most likely sufficient for family members to be considered as part of the *nobilitas* regardless of offices held.

The *nobilitas* was not a closed group. For demographic and economic reasons, most families were unable to provide office-holders, especially consuls, every generation.⁴² Many families became extinct over the years, and talented newcomers filled the void upon attaining high positions, thus becoming eventually an integral part of the *nobilitas*.⁴³ However, by the end of the second century BCE, a large enough reserve of eligible consular families had been built up to supply a sufficient number of candidates for this highest of offices on an almost yearly basis, and they jealously guarded this privilege for their sons. As a result, in the first century BCE few consuls were elected who could not boast consular ancestry.

The term designating the newcomers, *novi homines* (sg. *novus homo*, literally, "new men"), became entrenched in the Roman political lexicon only after the formation of a political elite whose status was established by office-holding. In fact, it has no independent meaning, and its interpretation is largely a function of the varying definitions of the term *nobilitas*. Accordingly, as the number of those entitled to be called *nobiles* shrank, the list of those dubbed *novi homines* grew. It appears that originally the term was used to describe the status of individuals of equestrian rank who were the first in their family to hold a curule magistracy. Over the years, as the number of curule magistracies grew, the term widened to include those whose forefathers had indeed held office and were even senators, but who had never ascended the career ladder beyond the rank of praetor. Both definitions were common in the late Republic.⁴⁴

Aspiring newcomers usually managed to be elected only to lower-ranking magistracies, and not many succeeded in attaining senior offices. These newcomers were well aware of their prospects, as well as their limitations, and their political ambitions usually went no further than joining the office holding stratum and the senate, because by doing so they effectively altered their families' status and greatly improved the chances of future generations to climb further up the political hierarchy.

The families who belonged to the *nobilitas* saw the consulate as their exclusive preserve, guarded it jealously, looked with disdain at the comparative upstarts, and were on the whole successful in thwarting their ambitions to reach the highest office, as Sallust (*Iug.* 63.3) cynically remarked: "the *nobilitas* passed the consulate from hand to hand between themselves." Cicero compared the consulate to a fortress that the *nobilitas* had surrounded with impenetrable walls.⁴⁵ Few new men made it to the top in a single generation, the most

notable examples being Marius and Cicero, both natives of Arpinum. As talented as they may have been, their chances were very slim unless they had the support of one or more of the older and established families. Marius (p.21) was backed at the beginning of his career by the Metelli—the most powerful and influential family in the late second century BCE—but was scornfully and angrily dropped when he announced his intention to bid for the consulship.⁴⁶ Cicero too was successful to a great extent thanks to the support of senior Roman elite families with whom his own family had maintained ties over generations.

The Roman electorate tended to give its vote to candidates who came from well-known families, who were designate consuls practically from birth, preferring ancient lineage and familiar names over proven talent of unknown pedigree.⁴⁷ To make up for their inferior descent, “new men” felt the need to relentlessly prove their abilities for all to see, and to demonstrate their excellence (*virtus*)—“to constantly stand guard and forever toil,” as Cicero put it.⁴⁸ Like Marius before him, Cicero repeatedly expressed his frustration in his correspondence and speeches about how the Roman electorate tended to think that the deeds of forefathers were an indication of their descendants’ abilities, and believed that if a forefather, whose name was linked to triumph and glory, was blessed with certain attributes, then so too were his descendants. Cicero never ceased to complain that a person’s birth seemed to count so much more than *virtus*—a term championed by newcomers to denote qualities such as excellence, industriousness, dedication, and moral probity.⁴⁹

The *nobiles*, for their part, looked down upon *novi homines* who dared compete with them for the consulate or some other high office — irrespective of their character or abilities.⁵⁰ Catiline (p.24), of patrician stock, disdainfully referred to Cicero as a “foreign citizen in the city of Rome”⁵¹—although Arpinum, Cicero’s (and Marius’) home town, originally a *civitas sine suffragio*, had already been granted full Roman citizenship in 188. In 61, when Cicero was already a *consularis* who had been honored with the title *pater patriae* (“Father of the Fatherland”) for having thwarted Catiline’s attempted coup d’état, the young Publius Clodius Pulcher (p.24)—scion to one of the most distinguished patrician families and then just at the beginning of his political career—felt entitled to mock Cicero, who was holidaying in the Bay of Naples, by asking what someone from Arpinum, i.e. of lowly stock, was doing at an aristocratic resort.⁵² Sixteen years later, Marcus Antonius (Mark Anthony) was similarly disparaging toward the young Octavian (the future Augustus), supposedly of lowly birth, although Octavian had already been adopted by Julius Caesar and was thus a patrician. Cicero, speaking on Octavian’s behalf, retorted that

had Octavian's father not died while still a praetor, he would surely have been elected consul, making Octavian a *bona fide nobilis*.⁵³

Within the *nobilitas*, as within every social grouping in Rome, there were also finer gradations, based on the number of consuls in the family's past, as indicated by the number of funerary wax masks (*imagines*) gracing the walls of the *tablinum*, similar to the numerous ancestral portraits on the walls of European aristocratic mansions in later periods. While the patrician Catiline may have looked down upon Cicero for being a "new man," he himself ranked comparatively low in the "nobility scale," since none of his family had been elected to high office for hundreds of years. Indeed this was another reason for his ambition. As we know, Catiline's distinguished ancestry was of little use. He failed twice in his attempt to be elected consul, and in a final, desperate bid to win power ended up leading a failed coup.

5 Equites (Equestrians), Publicani (Publicans), and the Ordo Equester (Equestrian Order)

The term *equites* (horsemen or cavalry, from *equus*, horse, commonly referred to as knights or calvary) originally denoted the military mounted units whose institution was attributed to Romulus. Initially they numbered three hundred men, who were divided into three units of a hundred men each (*centuriae*, centuries) recruited from the seniors of the three archaic Roman tribes (see above). Later, at some unknown date, this number was doubled to a total of six hundred, now comprising six centuries. Twelve more centuries of horsemen from the leading and richest men⁵⁴ were added by Servius Tullius, who reorganized the military and political systems, and collectively all eighteen *centuriae*, a number that remained unchanged throughout the Republic, were known as the *equites equo publico* (knights with a public horse), since the horses—one for each member—and their upkeep were paid for by the public purse by means of a special tax. The original six equestrian *centuriae* were known as *sex suffragia*—"six votes"—and were considered more prestigious than the others.

Toward the end of the fifth century BCE, the growing number of battlefronts in which Rome was engaged required a further increase in the number of mounted troops. New *equites* were therefore recruited from among wealthy citizens who sought to thus advance their political and social status. However, they were not granted a horse by the state but purchased one at their own expense and paid for its upkeep. These were called *equites equo privato*—"knights with a private horse."⁵⁵

Following extensive reforms of the military during the early republican period, and the changing nature of Rome's wars, the role of

mounted troops gradually decreased and the Roman army began basing its strength on the infantry. Toward the end of the third century BCE, once the entire Italian peninsula had been subjected to Roman power, the Romans gradually ceded the role of the cavalry to troops recruited from their allies, who specialized in this type of warfare. In the second century BCE, when Rome became the master of the Mediterranean, these in turn increasingly gave way to equestrian forces provided by its overseas allies.⁵⁶ Hence, only those who wished to embark on a political career served in the army for a period of ten years (or ten campaigns) which was a prerequisite for anyone who wished to enter public life and run for office (p.64). Consequently, the term *equites* gradually lost its military connotation and became a measure of wealth (*census*)—a threshold that varied over time, but during the late Republic stood at 400,000 sesterces—as assessed by the censors.

Rome's conquests generated many successful entrepreneurs whose wealth made them eligible for equestrian status. These new *equites* were less inclined to engage in the rough and tumble of political life, preferring instead to devote their time and energy to business, trade, and banking and generally to making substantial profits. Since the senatorial elite viewed these and similar occupations with contempt and considered them undignified for men of rank, and in the total absence of any institutional bureaucracy for the economic running of the burgeoning empire, the new materialistic-oriented *equites* set out to perform this important and much needed role—in other words, private enterprise in the service of the state with an eye to profit. The relationship between the senate, which decided what the state needed, and the *equites*, was conducted through public tenders put out by the censors. The prosperous *equites* who bid for the state contracts were called *publicani*, since the profits they made from these ventures came from the public treasury. As they had to provide the state with security for the very large sums that they had bid, they forged business partnerships, or set up companies (*societates*), which were recognized by the state. To fulfill the contracts, *publicani* subcontracted tasks to less wealthy equestrians.

Describing the relationship between the publicans and the senate around the middle of the second century BCE, Polybius (6.17) wrote:

For contracts, too numerous to count, are given out by the censors in all parts of Italy for the repairs or construction of public buildings; there is also the collection of revenue from many rivers, harbors, gardens, mines, and land—everything, in a word, that comes under the control of the Roman government. And in all these the people at large are engaged; so that there is scarcely a man, so

to speak, who is not interested either as a contractor or as being employed in the works. For some purchase the contracts from the censors for themselves; and others go partners with them; while others again go security for these contractors, or actually pledge their property to the treasury for them. Now over all these transactions the Senate has absolute control. It can grant an extension of time; and in case of unforeseen accident can relieve the contractors from a portion of their obligation, or release them from it altogether, if they are absolutely unable to fulfill it.⁵⁷

Senior members of the *equites*, mainly *publicani*, and the senators forged mutual ties of commerce and intermarriage,⁵⁸ but in the latter half of the third century BCE, the growing involvement of publicans in political affairs, coupled with that of senatorial families in the highly lucrative public contracts, led to growing tensions and disputes between the two parties. In 218, a compromise was reached and codified in the statute legislated by the tribune of the *plebs* Quintus Claudius (*lex Claudia*), whereby senators and their sons were prohibited from owning ships whose capacity exceeded seven to eleven tons. Since there was still no large-scale trade in grain or luxury items at the time, this was an apparent reference to the supply ships that transported the legions and attendant supplies, rather than commercial cargo. Another law passed at about the same time—and possibly as part of *lex Claudia*—prohibited senators from competing for the public contracts. This paved the way for full cooperation between the two parties during the Second Punic War, with publicans offering a particularly generous credit to the state to help finance the costly war in Spain in 216–207.⁵⁹

Rome's continued conquests overseas led to a commensurate expansion of the economic and financial horizons of the *equites*—particularly of the publicans, who reaped huge profits from supplying the state's needs. But the publicans' greed eventually came up against the censors' equally zealous protection of state coffers, culminating in a series of acrimonious disputes between the two sides over the concession fees provided within government contracts.⁶⁰

In 123 or 122, the tribune Gaius Gracchus brought about a dramatic change in the relationship between the two elites. To ensure that the treasury would not be drained by the huge expenditures involved in implementing the grain law that he had enacted, he made new arrangements for tax collection in the province of Asia (p.6) that had been annexed to Rome (in 131). He decreed that this would not be conducted by local tax collectors on behalf of the provincial governor—as customary in other provinces—but put out to tender by the censors in Rome. This meant that every five years, publican *societates*

would compete for tax collection contracts in the richest province yet annexed to Rome,⁶¹ and the winning bidders would pay the Roman treasury significant sums for the concession in advance. The new initiative required publican companies to reorganize and become more efficient, resulting in their power and influence growing to unprecedented levels. For its part, the state became more dependent on taxes raised in Asia.⁶²

Gaius Gracchus gave the *equites* yet another power base. To win their support for his reforms, he changed the composition of the judicial panel of the court dealing with claims of provincial subjects about extortion (*quaestio de rebus repetundis*).⁶³ Until then—from the time this court was first established in 149—its judges (*iudices*) had been drawn exclusively from the senate. By extending this privilege beyond the senate to *equites*—namely, to anyone with assets totaling 400,000 sesterces or more and registered as an *eques* by the censors—Gracchus created a new *ordo* of judges, who, as Pliny the Elder put it, represented a kind of “intermediate layer” between senators and *plebs*, which in time became known as the *ordo equester*.⁶⁴ The growing political power of this newly defined group was made evident in the election of Marius, a *novus homo*, the son of a wealthy equestrian family, to the consulate in 107 and to a further five consecutive terms in the years 104 through 100.⁶⁵

The senators took a dim view of this encroachment upon their political power and supremacy, and the struggle over the composition of judicial panels in the criminal courts (p.100) was one of the most contentious issues on the Roman political agenda in the years after 122. In 81 Sulla restored exclusive judicial powers to the senators (albeit after doubling their numbers). But this change, like other reforms that he instigated, did not last long, and in 70 the *lex Aurelia* decreed that the criminal courts would be presided over by panels comprising senators, *equites*, and aerarian tribunes (*tribuni aerarii*) in equal measure—the latter being most likely a *census* group with slightly fewer assets than the *equites*.

Despite this arrangement, senators and *equites* remained at loggerheads until the end of the Republic (p.25). For this reason, Gaius Gracchus, whose actions were in response to the needs of the time, was harshly judged by those who subsequently witnessed at first hand the consequences of the devastating conflict between senators and *equites*. Cicero lambasted Gracchus for actions that were tantamount to “throwing knives into the Forum,”⁶⁶ while the historian and antiquarian Marcus Terentius Varro accused him of converting Rome into a two-headed state, thus paving the way to civil war.⁶⁷

6 Rural *Plebs*, Urban *Plebs*, and Freedmen

Any Roman citizens whose assets were estimated below 400,000 sesterces belonged to the *plebs*. Clearly, the *plebs* was not a single entity. Not only were there economic differences between the many layers of this large group, but it was also subject to a distinction between rural *plebs* (*plebs rustica*) and urban *plebs* (*plebs urbana*).

The Rural Plebs

In the early days of the Republic, when Rome occupied a comparatively small and contiguous area in Latium, most of its citizens comprised small farmers who worked their landholdings. Rome's expansion throughout Italy, and the ensuing colonization and land assignments that continued well into the early second century BCE, allowed impoverished farmers and those who had lost their lands due to long military service to trade in their small holdings surrounding Rome for larger tracts of land in Italy. Ownership of much of the lands surrounding Rome passed into the hands of members of the political and economic elite, who tended to consolidate them into large estates (*latifundiae*) cultivated by enslaved prisoners of war who were being brought to Rome in ever growing numbers. Consequently, from the end of the second century BCE the term "rural *plebs*" came to denote mostly unattached, landless farmers, who had become tenant farmers in the rural regions surrounding the capital or were employed as day laborers during the busy agricultural periods. In between seasons, these farmhands drifted toward Rome or other urban centers in search of work. While living in town, they effectively were absorbed into the population of the urban *plebs*, but officially remained registered as members of their original rural tribes—a fact that was to have important political consequences during elections (p.128).⁶⁸

The Urban Plebs

Following Rome's conquests in the Mediterranean, huge amounts of booty poured into the city, which henceforth enjoyed unprecedented economic prosperity and a boom in construction and development, and offered plenty of work and entertainment. As the capital of a sprawling empire, it attracted a large and highly diverse population from its rural regions and from the rest of Italy and by the late first century BCE had become the largest urban center in the Mediterranean. In the absence of any corroborated data, it is difficult to put a precise number to the permanent resident population of Rome at the time, but the most educated estimates range between 500,000 and 750,000.⁶⁹

No less difficult is the task of determining the percentage of citizens within the urban population crammed together within the city's narrow confines.⁷⁰ Although the figures themselves cannot be established with absolute certainty, it is clear that a significant part of the urban population comprised freedmen and their descendants.⁷¹

Freedmen (Liberti, Libertini)

In Rome, as in other ancient societies, slavery was an important component of the social and economic fabric, and over time, as elsewhere, slaves could expect to win their freedom. But unlike anywhere else in the ancient world, upon manumission, slaves received not only personal freedom but full Roman citizenship as well. The origins of this unique custom are unknown. Clearly it began very early in Rome's history,⁷² but there is no general agreement as to its reasons. Some argue that the custom was born of a need to provide legal and citizen status to the offspring of unions of female slaves with their masters (who, by Roman law, were also slaves).⁷³ Others believe that its purpose was to restore full rights to a Roman citizen who had been sold into bondage (*nexum*) by the head of his family due to financial hardship (a widespread practice in the early days of the Republic).⁷⁴

The percentage of freedmen within the Roman citizenry, which was initially small, grew at an ever increasing rate along with Rome's conquests and expansion. The growth was obviously substantial already in 357 when, upon manumission, slave owners were compelled to pay a tax equal to five percent of a slave's value to a special treasury created especially for this purpose.⁷⁵ In the second century BCE, following Rome's extensive warfare overseas, huge numbers of prisoners of war were enslaved, and although it is impossible to gauge how many of them actually reached Rome and eventually won their freedom, their number was clearly large.⁷⁶ As early as 129, Scipio Aemilianus, the second Africanus, scornfully rejected the remonstrations of urban crowds angrily protesting against the assassination of Tiberius Gracchus, proclaiming: "Ye to whom Italy is not mother but stepmother ought to keep silence!"⁷⁷ Over sixty years later, in 64, Rome is described as "a city of many nations."⁷⁸ Juvenal's caustic third satire, which vividly describes the ethnic mosaic of the city's inhabitants that was in many ways a microcosmos of Rome's empire, relates to the end of the first century CE, but in all probability would have held equally true during the first century BCE.⁷⁹ While the evidence available to us precludes any meaningful estimate of the relative percentage of freedmen within the Roman citizen body in the last decades of the Republic, there is little doubt

that their number was significant.⁸⁰

Why did the Romans continue to grant citizenship to freed slaves who originated not from Rome or its vicinity but from distant regions, and to whom both the Roman language and culture were utterly foreign? It has been argued that freedmen offered important political support to their former masters, whose clients they became upon manumission. Yet, aside from the fact that the practice of freeing slaves was also common among the less wealthy citizens, who took no part in public life, it is clear from even the most cursory calculation that the electoral weight of freedmen, however numerous, was negligible as they were registered only in the four urban tribes. As far back as the late fourth century BCE, when the number of freedmen had begun to swell, there were fierce debates within the Roman elite over their tribal registration. Repeated attempts to allow wealthy freedmen with landholdings in the rural tribes to be registered within their local rural tribes were persistently rebuffed,⁸¹ and the age-old tradition of registering freedmen exclusively in the four urban tribes—irrespective of their actual place of residence—continued with very few changes until the Republic's demise. Consequently, the voting power and collective electoral weight of freedmen was restricted to only four electoral units (out of thirty-five—one for each of the thirty-five tribes), and as their numbers increased, their per capita electoral weight decreased. There was little electoral advantage, therefore, in granting freed slaves full citizenship.

The ancient testimonies do suggest that slaves were released on humanitarian grounds. While clearly some compassionate Romans granted freedom to their slaves for personal reasons, the guiding factor for most slave-owners must have been economic, based on profit considerations. The prospect of eventual release ensured a slave's loyalty and meant that he or she was motivated to be productive, reducing the master's need to expend resources on supervision. Slaves were allowed to save money (*peculium*) which they used to pay for their freedom at full market value. This allowed their master, if he so wished, to purchase a younger slave in their place, from the huge supply on offer. The sale of subsidized grain to the city's residents, which was first ordained by Gaius Gracchus' measure in 123 and continued throughout the late Republic, gave slave owners another reason to free slaves, since it placed the burden of their upkeep on the public purse.

The ties between slave and former master did not end upon manumission. By custom, a freedman became a client of his former master, and as such committed to provide him with various services—not necessarily political.⁸² As early as the first half of the second century BCE there is evidence of joint business ventures between

senators and freedmen who were their former slaves. Since the *lex Claudia* prohibited senators and their sons from owning large transport ships (see above), Cato the Elder—consul in 195 and censor eleven years later—partnered with his former slave Quintion in a naval transport business that yielded him huge profits.⁸³ Cato, who also invested in enterprises with guaranteed return such as fish ponds, hot springs, districts given over to fullers, tar-making operations, pastures and forests, was of the belief that “a paucity of assets ill suits a man,” and that “wondrous and divine glory comes to he whose accounts on his death show that he acquired by his own hands more than he had inherited.”⁸⁴

Nor was Cato the only senator to go into business. Outwardly, the Roman elite looked down upon commerce—particularly of the retail variety—believing that “Commerce, when small, should be regarded as vulgar.” At the same time, “of all the occupations by which gain is secured, none is better than agriculture: none more profitable, none more delightful, none more becoming to a freeman.”⁸⁵ But ideology was one thing, and practice another, and the Roman elite did not shy from exploiting the economic and marketing possibilities arising from the conquests—first within Italy and subsequently overseas—and often did so in collaboration with publicans and agents from among their former slaves.

The growth of the city of Rome and its emergence as the highly populous metropolis and capital of a burgeoning empire, coupled with the rise in standard of living of the social and political elite, gave rise to an impressive retail commercial sector. Cicero files a long list of vocations that he considered vulgar (*sordidi*)—that is unbefitting for the upper class—while admitting that they existed to provide for the pleasures of the latter.⁸⁶ Cicero provides but a partial list of trades operating in Rome of the first century BCE, most of which were run by freedmen and their descendants. Epigraphical evidence lists approximately 160 vocations of various kinds in which the city residents engaged—many of them small businesses, such as the luxury item shops on the *via sacra*, the main street in the Forum, many of which had members of the ruling classes as investors or sleeping partners.⁸⁷

Religious-Social Organizations: Sodalitates and Collegia

Various associations were established in ancient Rome for religious and social purposes. Members of the upper class formed *sodalitates* (“fraternities”, often also referred to as “political clubs” sg.: *sodalitas*; a member being a *sodalis*). At first, these were of a religious nature, and

their members acted as a group rather than as individuals in ceremonies of the state religion. Over the years, new fraternities were added of a more secular nature, as exclusive clubs for members of the elite. In the first century BCE, some of these fraternities seem to have turned into quasi-political, unofficial yet powerful and influential lobbies to promote the interests of their members. These associations enabled politicians to pool together financial and human resources to help their fellow members, or anyone whom they chose to promote, in conducting various election campaigns, in securing and buying votes, and in helping members who found themselves in litigation. Members of the fraternities were bound together by bonds of mutual and open support, and for this reason, apparently, the law prohibited the member of any fraternity from sitting as a judge in a trial concerning a fellow member.⁸⁸ It is no coincidence, therefore, that the author of the *Commentariolum Petitionis* boasted that Cicero had the support of four important *sodalitates*.⁸⁹

The involvement of the fraternities in political life deepened in the course of the 60s and 50s of the first century BCE, which witnessed particularly stormy election campaigns. Unlike the ad hoc political alliances that politicians forged in the run-up to a specific election and abandoned immediately after, the fraternities probably worked continuously with the aim of achieving certain long-term goals. Their continuous operation, organization, and resources—particularly with regard to the distribution of bribes (p.140)—increased their influence among the voters to such an extent that the senate, which viewed with suspicion any new systematic organization that might undermine the existing tradition, attempted to curtail their activities in 56, and in 55 a law set up a special court to deal with electoral irregularities committed by members of these clubs.⁹⁰

As far as we know, the upper class required no particular state permits to establish a *sodalitas*. However, associations formed by the lower classes did require official approval. Roman tradition relates how Numa, who succeeded Romulus to the throne, “distributed them [the lower classes], accordingly, by arts and trades, into musicians, goldsmiths, carpenters, dyers, leather-workers, curriers, braziers, and potters. The remaining trades he grouped together, and made one body out of all who belonged to them. He also appointed social gatherings and public assemblies and rites of worship befitting each body (*collegium* pl. *collegia*).”⁹¹

The *collegia* were not trade unions in the modern sense of the word. They did not engage in struggles against employers, demand better wages or improved working conditions, and certainly did not organize strikes, but rather centered around social and religious matters (such as worshipping their patron gods), and no doubt mutual help and

support, as well. Over the years, as the city grew to become an immense and densely populated urban center, many more *collegia* came into being, some of whose members were the numerous freed slaves who thronged the city. Since people of similar trades, then as in later periods, tended to reside in the same neighborhood (as evident also from the names of some of the streets of Rome to this day), a partial or complete correspondence emerged between certain *collegia* and the city's *vici*.

The *collegia* elected officials (*magistri*), and their members paid monthly membership dues. Since these were organized bodies that did the bidding of their leaders, they attracted the attention of Roman politicians, who wasted no time in exploiting them to their own ends in the fierce competition over public office. The *collegia* offered a means of reaching a large number of people, and politicians communicated with their leaders through intermediaries and paid lobbyists.⁹² It stands to reason that the members of the *collegia* and residents of the *vici*—the freemen among them, of course—were virtually all registered members of the urban tribes, and therefore carried very little real political clout. However, they were a good source of paid hangers-on to pad out the entourage surrounding a candidate, to greet him during his walkabouts and make public appeals on his behalf—conduct which were explicitly banned under the laws concerning electoral abuse (*leges de ambitu* p.135). They were also a good recruiting ground of thugs and strong-arm henchmen, who played a central role in the increasingly violent politics of Rome in the last decade of the Republic.

The rowdy nature of the *compitalia* celebrations (see above) and the increasing and methodical use of *collegia* for political aims, spurred the senate to intervene. In 64 it banned the *compitalia* celebrations entirely, and even outlawed the activity of the *collegia* that were deemed injurious to the interests of the state (*collegia quae adversus rem publicam constituta*).⁹³ It is unclear from this meager bit of evidence what exactly is meant by “the interests of the state,” or which of the *collegia* were considered to be a threat to them, but clearly not all *collegia* were banned. In 58 the tribune of the *plebs* Publius Clodius Pulcher passed a law abolishing the bans and restrictions put in place by the senate, and made full use of the *collegia* to his own advantage during his term as tribune (p.27). Thirteen years later, however, Julius Caesar, who considered the *collegia* to be a threat to public order, once again placed limits on their activity.⁹⁴

The Roman People (Populus Romanus) in the First Century BCE

In one of the most famous statements in his essay *On the Republic*, Cicero maintained that the Republic—a word made up of the Latin words *res* (property, affair, thing) and *publica* (public)—was synonymous with ‘the people’s property.’ The people, Cicero added, are not a mere aggregate of individuals, but a cohesive group united in agreement with respect to justice, and cooperating for the benefit of all.⁹⁵ “The people” was also one of the two components of the official title by which Rome presented itself— *senatus populusque Romanus* (the senate and the people of Rome)—or SPQR for short.

The question, then, is who were the people? As we have seen, the *populus* module in the formula was in constant flux, given the continual growth of the citizen population. When the Republic was first constituted the term *populus Romanus*, which in the main described the population of warrior-farmers living in the regions surrounding Rome—was synonymous with the body of citizens who participated in the public life of the community, which took place only within the city boundaries. But as Rome expanded and its citizens dispersed throughout Italy, and especially after the enfranchisement of the Italians, the majority of its citizenry could no longer exercise their political rights—which consisted mainly of voting in elections or on legislation. Given the distances and costs involved in traveling to Rome, the only citizens who could actually take active part in the voting process were either those living in Rome or in its vicinity, or those who could afford the expense of traveling to the city and of accommodation within it during their stay. Toward the end of the second century BCE, and even more so in the century that followed, a clear distinction therefore emerged between the wider *populus Romanus* and the citizens who actively participated in political life. By the late republican period, this trend had come to a head, with the emergence of a distinct civilian entity that one might term the “actively political citizens,” who were but a small minority of the *populus Romanus* as a whole, but acted in the latter’s name.

There is no way to gauge the number of the “actively political citizens”, in part because this was not a fixed entity, but one that varied from one voting to the next. However, it is possible to point to the sectors of society from which it was drawn on each occasion. Most of the urban *plebs*—the population for whom distance was not an obstacle to exercising their political rights—was an insignificant presence within the “actively political citizens” in spite of their large numbers as they were registered in the four urban tribes only (see above). Much greater weight, especially with regard to voting on legislation, was accorded to the citizens who were registered in the 31 rural tribes,⁹⁶ but in fact resided in Rome or happened to be in the city when voting took place, as most citizens from the distant rural

tribes presumably had neither the time nor the means to afford the cost of the trip and were thus represented by whoever happened to be in Rome from his tribe. As we shall see, the voting process, particularly with regard to elections for the high offices, was blatantly skewed toward the well-to-do, and to the distinct and privileged entities of the community: the *ordo senatorius* and the *ordo equester*. Therefore, although it is not easy to give a precise definition of the term “actively political people,” it clearly was highly restricted, and far from representative of the whole *populus Romanus*.

3 Principles and Structure of Republican Government

Introduction

Cato the Elder, one of Rome's most senior statesmen in the first half of the second century BCE, is said to have argued that Rome's government was superior to that of other states because

almost every one of these other commonwealths had been established by one man, the author of their laws and institutions. . . . On the other hand, our own commonwealth was based on the genius, not of one, but of many; not in one generation, but in a long period of several centuries and many ages of men.¹

Nonetheless, alongside the tradition that held that the Republic's institutions were not handed down by a divine entity, like the Mosaic law, nor established by decree of a single individual, like the Lycurgan constitution in Sparta, there are many stories that do indeed attribute the founding of various religious and political institutions, as well as social divisions to one legendary king or another.

As one would expect, contradictions between the various traditions were inevitable. Livy, who authored the most comprehensive history of the Roman Republic—expressed this best when he wryly remarked in the preface:

Such traditions as belonged to the time before the city was founded, or rather was presently to be founded, and are rather adorned with poetic legends than based upon trustworthy historical proofs, I purpose neither to affirm or refute. It is the privilege of antiquity to mingle divine things with human, and so to add dignity to the beginnings of cities.²

It is no easy task for modern historians to trace the evolution of Rome's political system. The Romans themselves began documenting their history only towards the end of the third century BCE when the institutions of the Republic, which was by then a Mediterranean power, were already fully formed, and they had little definite knowledge of their distant past. Moreover, although the names of key institutions remained unchanged, their character and functions

underwent substantial modifications in the course of the years.

The only information we have on the origins of the Republic is based on tradition, which maintains that in 509, Rome's last king, Tarquinius Superbus (the "Proud"), was ousted, the monarchy abolished and the Republic founded. In that year, *imperium* (from *imperare*, to command)—the combined military, judicial, religious and administrative authority that Jupiter is said to have bestowed upon Romulus—was vested in two magistrates called consuls, who were given equal powers and elected for a term of one year each.

Today, we refer to the new political entity founded in 509 as the "Roman Republic" (from the Latin *res publica*) and describe its government as "republican." But this is not how the Romans referred to their state. They did not draw on abstract philosophical or political ideas to define the nature of their government or political system, as we tend to do today. To the Romans the state was not an entity separate and distinct from—and occasionally pitted against—the individual, but a collective of individuals linked by various affiliations and sharing distinctive obligations and privileges. This concept is reflected in the name that the Romans gave to their community: *civitas Romanorum*. Etymologically derived from *co-viria* (*curia*), meaning "a congregation of men/men assembled together,"³ *civitas* was also closely linked to the word *Quirites*, by which Roman citizens were officially addressed. The origin of this word can be traced to the language of the neighboring Sabines, echoing the fusion between the two people in the early days of Rome.⁴

The use of the word *res publica* in the sense of "state"—similar to that of the Greek *politeia* (derived from *polis*)—was a later development that emerged under the influence of Greek political philosophy. This use features mainly in the works of Cicero and Sallust, although here also it retains the essential idea of *civitas*. To him *Res publica* (literally the public/ common business or property) is equivalent to *res populi*, that is the people's business/property, but the people, he argues, are not a mere "collection of human beings being brought together in any sort of way, but an assemblage of people in large numbers associated in an agreement with respect to justice and a partnership for the common good."⁵ Only under the Empire—when the "Republic" as a regime ceased to exist—did the term come to denote a state that was not subject to the rule of one man, as best epitomized by Tacitus's depiction (*Ann.* 1.3) of the later years of Augustus's reign:

At home all was calm. The officials carried the same old names, the younger men had been born after the victory of Actium; most even of the elder generation during the civil wars; few indeed were left

who had seen the Republic.

At that point the term “Republic” also began to be associated with attributes such as *libera* (free) and *vetus* (old), to distinguish it from the new regime that emerged under Augustus.⁶

When Roman historians sought to describe the new political entity that was created in the wake of the abolition of the monarchy, they did not use a specific term but simply referred to it by its distinctive characteristics. Livy, for example, described it as “New liberty (*libertas*) . . . annual magistracies and laws superior in authority to men,”⁷ while Tacitus, with characteristic brevity, summed it up as follows: “At the beginning Rome was held by kings. Liberty (*libertas*) and the consulate were instituted by Lucius Brutus.”⁸

The defining features of the post-monarchical regime, therefore, were liberty (*libertas*) and the two consuls. For the Romans, these were two sides of the same coin. *Libertas*, however, did not mean the “Blessings of Liberty to ourselves and our Posterity” as declared in the opening lines of the American Constitution; nor was it synonymous with the “liberté” of the individual inscribed on the banner of the French Revolution.⁹ It simply meant freedom from one-man rule:

Many things are denied a people ruled by a king—first and foremost liberty, which does not mean serving a just master, but serving no one.¹⁰

Indeed not only was the *imperium* of the two consuls’, unlike that of the kings, constrained by the principles of unmitigated parity between them and annuity in office (as we shall see below), but Rome’s entire institutional structure, as it developed, was geared toward one aim: to ensure that no individual would manage to take exclusive control of the reins of power and rule at his own whim.

The Romans had no written constitution. Generally speaking, they held greater respect for tradition and the customs of their forefathers (*mos maiorum*) than for the law as such (*ius*). In 451–450, the first Roman legal code—“the basis of all public and private law”¹¹—was inscribed on bronze or wooden tablets and placed on public display in the Forum. Known as the Twelve Tables, it comprised the existing customary law and a number of new statutes. From the fragments that have survived it appears that the laws focused on the civil and criminal law of a small and rather primitive rural and agrarian community.¹² There are strikingly few matters pertaining to public law. For example, from Tables 9.1–2 we can infer that there were more than one popular assembly since it declares that a certain assembly, which is described as the “greatest” (*comitiatus maximus* usually identified with the *comitia centuriata*) is the sole legal body

authorized to strip a Roman of his citizenship.¹³ The publication of the Twelve Tables was undoubtedly a watershed in Roman history, since it put an end to the arbitrary interpretation of the law by the few who had access to it and made it binding on all members of society. They were not regarded, however, as a constitution or a set of basic laws that demanded a “constitutional majority” for the introduction of amendments or annulments. This is clearly implied in Table 12.5 which reads: “whatsoever the people had last ordained should be held as binding by law.” In other words, an old law that was deemed no longer suited to the times or to the current state of affairs was superseded by a new more relevant law; others simply sank into oblivion without being actually repealed (very few, like the ban on intermarriage between patricians and plebeians were officially annulled). And yet, although with time many of the laws of the Twelve Tables lost their relevance, in Cicero’s days, children were still obliged to memorize them by heart.¹⁴

The Twelve Tables did not dwell on the nature of the community’s political institutions, and fundamental issues—such as the obligation of every Roman citizen to serve in the army or to pay a property tax—were anchored not in law, but in custom. Indeed, a large number of laws was not thought to be a sign of a well-run administration—quite the reverse; as Tacitus put it concisely: “when the state was most corrupt, laws were most abundant.”¹⁵

The Republic’s art of governance, which many believed was the secret of Rome’s impressive achievements, was never formulated as a defined political theory. No effort was made to describe the social and political order, nor was there any inclination, as far as we can tell, to debate the finer points of political theories about the state. The first person to put in writing any methodical description of the Roman regime was a foreigner who wrote in Greek—Polybius of Megalopolis (in Arcadia, Greece 200–118), an important statesman in the Achaean League, who was taken as hostage to Rome together with a thousand prominent Achaeans. In Rome he became the protégé of Lucius Aemilius Paullus who defeated Perseus in Pydna in 168 and a mentor and friend to his son, the future Scipio Aemilianus (the second Africanus).¹⁶ Polybius was awestruck by Rome’s immense and unparalleled achievements, and set out to discover how this unique city-state had succeeded in conquering virtually the entire inhabited world (*oikoumene*) in such a short span of time (220–146). In the introduction to his universal history, entitled *Histories*—a work comprising forty books covering the years 264–146, from the First Punic War to the destruction of both Carthage and Corinth (of which only the first five have survived intact)—he proclaims (1.5):

For who is so worthless or indolent as not to wish to know by what means, and under what system of polity, the Romans in less than fiftythree years have succeeded in subjecting nearly the whole inhabited world to their sole government—a thing unique in history?

In the sixth book of his work, Polybius reveals the underlying principles of Rome's unprecedented achievements: its constitution and its army. With his military expertise, his connections and the inquiries that he had made, Polybius had no problem conveying the organizational and operational features of the Roman army to his Greek audience who were men of the upper classes with a certain amount of military experience themselves. To further clarify this point he even draws a detailed comparison (38. 28–32) between the Roman and the Macedonian armies (the latter was considered the best in Greece), highlighting Rome's superiority. He adopts a similar method when considering Rome's "constitution." Drawing on theories and models from Hellenistic political philosophy, whose origins went back to Plato and Aristotle, he explains to his Greek readers that the might of a state is but a reflection of the strength of its constitution. He therefore interrupts the course of his narrative on Roman affairs before the battle of Cannae (216)—where Hannibal dealt Rome one of its most disastrous defeats—to describe Rome's political system, clearly implying that only the strongest of constitutions could have withstood such a catastrophe. The force of the Roman constitution, Polybius claimed, lay in the fact that it was a "mixed constitution," a balanced combination of what were considered to be the three best simple forms of government—monarchy (as represented by the consuls), aristocracy (as represented by the senate), and democracy (as represented by the popular assembly)—thus creating a system of checks and balances that ensured stability and enabled Rome to avoid the inevitable cycle of change and deterioration (monarchy to tyranny; aristocracy to oligarchy; democracy to ochlocracy [mob rule]) to which pure constitutional forms were prone.¹⁷

Mindful that his interpretation might not be universally applauded, he sought to pre-empt any possible criticism (6.11.3):

I am quite aware that to those who have been born and bred under the Roman Republic my account of it will seem somewhat imperfect owing to the omission of certain details. For as they have complete knowledge of it and practical acquaintance with all its parts, having been familiar with these customs and institutions from childhood, they will not be struck by the extent of the information I give but will demand in addition all I have omitted: they will not think that the author has purposely omitted small peculiarities, but owing to

ignorance he has been silent regarding the origins of many things and some points of capital importance. Had I mentioned them, they would not have been impressed by my doing so, regarding them as small and trivial points, but as they are omitted they will demand their inclusion as if they were vital matters, through a desire themselves to appear better informed than the author. Now a good critic should not judge authors by what they omit, but by what they relate. . . .

Polybius' account is buttressed by another general although partial overview of Rome's government (and history) found in two works written by Cicero in the late 50s of the first century BCE. These were critical years for the Republic, when its institutions, reeling from a series of severe political crises, were barely functioning. The two works—*De re publica* (*On the Commonwealth* or *The Republic*) and its sequel *De legibus* (*On the Laws*)—which have only partially survived are modeled on Plato's works of the same name. But the similarity is in name only.¹⁸ Unlike Plato, Cicero is clearly not speaking of an ideal state or of its optimal constitutional framework, but of the real Rome of his time. His works contain much information about the republican government, as well as acute observations about the political system in the last decade of the Republic, an analysis of its failings and possible ways of putting them right. Cicero generally followed Polybius's view that the robustness of the Roman regime lay in its "mixed constitution" (*Rep.* 1.29.45; 2.41), but stressed the fact that the Roman constitution was unique because it was the product of gradual evolution over a long time, with periodic adaptations to the needs of the time.¹⁹

It is difficult to determine to what degree Polybius did in fact understand Rome and its political mechanisms, or even to gauge his command of Latin. Nonetheless, the significance of his description lies in the invaluable snapshot it provides of the Roman political system at the end of the third century BCE. In the absence of any other relevant valuable sources, Polybius's report is of unparalleled importance to understanding the Roman republican government. Moreover, although his analysis is by no means complete (he omits, for example, all mention of senior office holders other than consuls, and fails to enumerate the various popular assemblies and their respective features, referring to only one assembly), his overall division of Roman institutions provides a convenient and commonly used framework (as we have seen, also used by Cicero) for both their presentation and analysis.²⁰

The Magistracies

Introductory Notes

Magistrates—as public office-holders were known²¹—formed the executive power of the Roman government. During the last decades of the Republic, forty-four senior magistrates were elected annually, usually in July, by the popular assemblies. Their paramount duty was to implement the decrees of the people and the senate and to make sure the laws were observed.

The right to be elected (*ius honorum*) in the middle and late Republic was reserved to those whom the censors had included among the *equites*—a classification determined by a minimum measure of wealth, which in the late Republic stood at 400,000 sesterces. An *eques* seeking a political career had to prove that he was a Roman citizen, from a family of nonslave stock going back at least three generations, with a clean record and that he had fulfilled the military duties required of an *eques*, namely, ten years of military service (or ten campaigns). From 180, candidates also had to meet a minimal age requirement for certain offices, and, as we shall shortly see, to follow a prescribed order for advancing from one magistracy to the next (*cursus honorum*). Magistrates did not receive payment for their work, and some, like the aediles, even financed certain activities from their own pockets.

All the annual magistrates served for a period of twelve months. Every office-holder was part of a *collegium*, that is, each magistrate had at least one colleague of equal standing and authority. Exceptions to this rule were the dictatorship—a non elective position rarely used after 300—and the praetorship, which, for a period of over a hundred years (366–241), was held annually by a single magistrate. Every magistrate could veto the decisions of one or more of his colleagues and that of all other public officials below him; tribunes of the *plebs* could veto the decisions of all magistrates (see below).

A series of laws passed in 342 known as the *leges Genuciaae*—prohibited anyone from occupying two magistracies simultaneously, or holding the same office twice, unless ten years or more had elapsed between the two terms (Liv. 7.42.1–2). The latter prohibition was initially aimed at the consulate, but it was customarily extended and applied in principle to other magistracies as well. Around 150 it was forbidden by law to hold the consulship twice (Liv. *Epit.* 56). These bans, however, were occasionally suspended by a popular vote (in most cases, although not always, at the senate’s instigation), usually in times of emergency.

Each magistracy had strictly defined powers (*potestas*) and geographical areas in which its authority prevailed (*provincia*), and it was not uncommon for magistracies to combine civil and military

powers. The *potestas* of some magistrates included *imperium*, and the holders of curule magistracies were entitled to visible signs of rank—specifically, a purple-hemmed toga (*toga praetexta*), and a folding ivory chair (*sella curulis*), similar to that used by the kings when sitting in judgment at trials. All magistracies whose *potestas* included *imperium* were also curule positions, but not all curule magistracies carried innate *imperium*.

Upon entering office, all magistrates swore that they would abide by the laws, and at the end of their year in office they swore that they had not deliberately acted against them. During the early Republic magistrates with *imperium* could be prosecuted while still in office in a special legal procedure called *abrogatio imperii* (the abrogation of *imperium*) and impeached if found guilty, but from the second century BCE and perhaps even earlier, this practice fell into disuse and was rarely employed; magistrates became, in fact, immune from legal prosecution for alleged transgressions during their term in office.²² Nevertheless they were held accountable for their deeds and could be indicted once they stepped down from office and became private citizens.

We will now proceed to describe the powers and functions of the various magistracies starting with the annual magistracies.

1 Consuls

At the head of the pyramid of Roman public officialdom stood the two consuls. As we have seen, according to Roman tradition, the first two consuls were elected in 509, immediately after the abolition of the monarchy. The original title of the chief magistracy at the beginning of the Republic may have been praetor rather than consul.²³ Although there was no law that excluded plebeians from the consulate, for about a century and a half only patricians were elected to this office, but legislation passed in 367 (*leges Liciniae Sextiae*) ruled that one consul could (or should) be plebeian, and in 342 it was laid down that both consuls could be plebeians; it was hence the custom for one consul to be a patrician and the other a plebeian. In 172, for the first time ever, both elected consuls were plebeian²⁴—an event that was not politically significant *per se*, but probably a reflection of demographic reality as the number of patricians was in constant decline. Nonetheless, the one-patrician one-plebeian pattern remained the convention for the remainder of the republican period, but from 172 on, there were years in which both consuls were plebeians.

From the second century BCE onwards, the minimum age for anyone seeking election as consul was set at forty-two at time of election (patricians may have been allowed to stand at forty).²⁵ A

consular candidate was also required to have previously held the quaestorship and the praetorship. As early as 342, the *leges Genucia* prohibited anyone from re-election to the consulship unless ten years had passed since his previous term. However, on more than one occasion at the end of the fourth and third centuries exceptions were allowed to enable former consuls with proven ability as military leaders to hold a second or even a third consulate before the mandatory time had elapsed.²⁶ These deviations from the law required a special exemption, which was granted by the senate and approved by a vote of the plebeian assembly; by the end of the third century BCE, however, the senate alone decided on such irregularities. Around 150, another law stipulated that no one could hold the consulship more than once, although it was not always observed.²⁷

Nonetheless, exemption from the ten-year clause did not allow a second consulate to be held immediately after the first. Since annuity in office was one of the most fundamental principles of the new regime that was created after the abolition of the monarchy, there was usually a gap of at least one year between two terms of office. Exceptions were exceedingly rare, occurring only in times of dire emergency. During the Second Punic War (218–201), Quintus Fabius Maximus—known as “the Delayer” (*Cunctator*)—was elected to two consecutive consulates (in 215 and 214),²⁸ while in 104–100, Marius was elected consul for an unprecedented five consecutive terms in order to fend off the threat posed by the Germanic tribes massed at Italy’s northern border (p.8).

Consuls were elected by the centuriate assembly (see below). In the late Republic, elections were usually held in July, and from 153, the consuls started their term on January 1 of the following year (in earlier periods the consular year began on different dates: May 1 for most of the third century BCE and March 15 from 222). If a consul died in office, another consul was elected in his stead (*suffectus*), who served only for the remainder of the consular year.

The consuls gave their name to the year that began upon their entrance into office. The Romans began counting years only in the late Republic and the official count was calculated from the foundation of the city (*ab urbe condita* = AUC), which the antiquarian Marcus Terentius Varro determined as being (the modern) 753. Thus, for example, the year 63 was officially the six hundred and eighty-ninth year since the foundation of the city and was named after the consuls Cicero and Antonius (*Cicerone et Antonio consulibus*).

Each consul was preceded by twelve attendants, lictors, who carried the *fascēs*—a bundle of white birch rods tied together into a cylinder with a red leather ribbon—which symbolized the consul’s *imperium*. Within the precinct of the city of Rome (*pomerium*)—delineated and

sanctified by a furrow plowed by Romulus to mark the city's boundaries, within which an army could not enter nor burials be conducted—the axes were omitted from the *fascēs* to indicate that within the civil domain (*domi*, literally “at home”) the consuls' *imperium* was restricted by the tribunes' *auxilium* and the citizens' right of appeal (*provocatio*). Outside city (*militiae*), the *fascēs* also featured one or two axes, representing the consul's unlimited authority.

The consuls inherited the military, administrative, and judicial rights of the kings—known as *imperium*. According to tradition, Jupiter himself granted this authority to Romulus, and although the consuls did not inherit the full religious privileges of the kings,²⁹ as holders of *imperium* they were entitled to ask the gods for signs (*auspiciū* pl. *auspicia*), but not to interpret them.³⁰ In general, the consuls executed the policies concluded by the senate and the decisions voted by the people in their assemblies. For this purpose they had both civil (*imperium domi*) and military (*imperium militiae*) capacities. When in Rome, they convened the senate and presided over its meetings (*ius agendi cum patribus/senatu*); they consulted with the senators on urgent public affairs, brought various matters to their attention, and introduced foreign embassies to them. They convened the centuriate assembly and presided over its meetings (*ius agendi cum populo*), and they headed this assembly when it voted in magistrates. They were also in charge of conscription (*dilectus*, decided on by the senate) and had the exclusive authority to appoint dictators (following a senatorial decision). Within their military capacity they were in fact the chief commanders of the Roman army and fought Rome's wars. It was the senate's prerogative to decide on Rome's military targets, and the consuls were allotted their provinces accordingly. Until 123, the senate decided on the allotment of the consular provinces after the consuls had been elected; subsequently it was ruled by law that the senate should allot them in advance, that is, before the annual consular elections. Once away from Rome, on battleground, the consuls could, and sometimes did, contravene senatorial policies, mainly in the pursuit of personal glory. They were sometimes reprimanded, but rarely punished for their transgressions.³¹

The *imperium* contained broad powers of enforcement (*coercitio*), which allowed the consuls to punish any citizen who refused to recognize their authority or to carry out their commands. In the early republican era, Roman citizens were granted two basic rights of protection from this sweeping authority: the right to seek the help of the tribunes of the *plebs* (*auxilium*)—introduced, according to tradition, in 494; and a right of appeal (*provocatio*), established in a series of laws (the last being in 300), preventing any public official

from stripping a Roman citizen of his civil rights (thus allowing capital punishment) without a hearing before the people convened in the centuriate assembly. On the battlefield, however, the consuls' authority was absolute until the second century BCE, when a series of laws (*leges Porciae*) were passed forbidding them—and other military commanders—to punish soldiers who were Roman citizens without due legal process.³²

As Rome expanded throughout the Italian peninsula, military campaigns grew longer and the consuls spent longer periods away from the city, finding it increasingly difficult to fulfill their domestic administrative responsibilities. Consequently, their civilian powers were gradually transferred to other, lower-ranking, magistrates. By the end of the fourth century BCE, the consuls' duties centered mostly on the military, and since war had become the dominant feature of Rome's way of life, military prowess became the consuls' main claim to glory, power, and influence.

The civilian dimension of the consulship was restored by Sulla's reforms of 81, whereby the consuls remained in Rome or in Italy during their term of office and took up military command in the provinces only when their consular year had ended, as proconsuls (see below), in which capacity they usually served for another year.³³ In 52, however, Pompey enacted a law prescribing that five years should elapse between a city magistracy and a provincial command.³⁴ Cicero, one of the few to be elected to the consulate for his rhetorical and legal, rather than military, skills, sought to promote the idea that excellence could be manifest not only on the battlefield but in the civilian realm as well: "Let arms yield to the toga, the laurel crown to civic praise,"³⁵ he proclaimed, yet at the same time, he was also realistic enough to recognize that in reality, "military commanders, not interpreters of words, are elected consuls."³⁶

In 121, the senate made the consuls responsible for the Republic's well-being when it declared a state of emergency in times of severe domestic crisis under a decree entitled *senatus consultum ultimum*, which called upon the consuls to ensure that the Republic suffered no harm.³⁷ The decree, brief and vague in nature, did not specify the scale of the powers to be exercised by the consuls or relate to the question whether these prevailed over the basic rights enjoyed by Roman citizens, mainly the right of appeal.

The consulship was naturally the most sought-after magistracy as it endowed its holders with prestige and military commands that promised potential triumphs, glory and riches from war booty. Although the term in office was only one year, an ex-consul spent the rest of his life as a member of the most exclusive and influential group within the senate, known as *consulares* (former consuls p.85).

Moreover, holding the consulship secured for its holder and his descendents, if he was a “new man,” a place within the Roman elite—the *nobilitas* (p.45). Last but not least, a former consul was a natural candidate to run for the censorship, which also carried much prestige and influence, albeit without military powers.

2 Praetors

Perhaps more than any other magistracy, the praetorship was suited to the changing needs of a city-state turned a burgeoning empire.³⁸ As Rome’s military operations spread farther afield and spanned longer periods, the tasks covered by the consuls’ *imperium domi* were left unattended, especially the administration of justice. In 366, a new magistracy was created, that of the praetor, who was to be in charge of civil jurisdiction. The praetor was also granted full *imperium*, and, despite his civil duties, the military connotation of the office is evident from its name, which stems from the Latin *prae-ire*, meaning “to lead,” i.e., to command an army.³⁹ To denote that the new office was inferior in its powers to that of the consuls, the praetor was attended by only six lictors. At first the praetor served as a stand-in for the consuls while these were away on military campaigns far from Rome. Moreover, the fact that he had *imperium* meant that he could be speedily dispatched to deal with any new military campaign that might emerge while the two consuls were engaged on other fronts.

Little is known about the nature of this magistracy in its early stages. For about one hundred and thirty years it consisted of one office holder, and whenever we have information about the incumbent praetor from that period, he was always a former consul. At first only patricians were elected to the post, but from 337 onwards plebeians also began holding the praetorship. In 241, following Rome’s expansion in Italy, another praetor was added to deal with judicial matters that arose between non-Roman residents (*peregrini*) and between Roman citizens and foreigners. Hence the first praetor, who dealt with disputes between Roman citizens, was called *praetor urbanus*, the city praetor, while the second was called *praetor peregrinus*. Both operated in Rome. In times of emergency, such as during the Second Punic War, it was not uncommon for one of the city praetors to assume both urban capacities, while the other took up a military command.

Upon entering office each *praetor urbanus* issued an edict in which he announced the principles that would guide him during his year of office while overseeing the law. That this was not always the case can be gleaned from a law enacted in 67 that compelled the praetors to abide by their own edicts. These were binding only during the

praetor's year in office, but it was customary for newly elected praetors to incorporate principles laid down by their predecessors in their own edicts. In the course of time these edicts became a key factor in the evolution of Roman private and civil law.

In 227, two more praetorships were created for the governance of the newly created provinces of Sicily and Sardinia,⁴⁰ which were annexed to Rome following the First Punic War (264–241). In 196, two more praetors were added—to govern the two provinces set up in the Iberian Peninsula following Rome's victory over Carthage in the Second Punic War (218–201)—making six in all. In 81, as part of Sulla's reforms, the number of praetors was increased yet again to eight. The new regulations concerning consuls were applied to praetors as well, in as much as all praetors were required to stay in Rome for the duration of their year of office. The eight praetors were now to preside over the newly formed criminal courts (p.100). As such the praetors' role was administrative; verdicts were passed by a panel of judges (*iudices*). On completing their term, all eight left Rome to serve as governors in the provinces for a period of one year under the title of *propraetores*.

With the increase in the number of praetors, no quotas were set as to the ratio between patricians and plebeians in this office. Candidates who wished to be elected to the praetorship did not run for a specific function, such as governor of Sicily, but to the praetorship in general. The new praetors were assigned their respective sphere of duties only after having been elected by casting lots.

Within the city of Rome, their powers and limitations were similar to those of the consuls. They were entitled to convene the senate and preside over its meetings, undertake a levy in the absence of consuls and on occasion—albeit rarely—they even initiated legislation (mainly the *praetor urbanus*), usually in connection with their sphere of power. However, unlike consuls, they could not head the centuriate assembly when it was summoned to elect office-holders, but presided over this assembly mainly when it convened in its judicial capacity (involving cases of capital punishment). The praetors' *imperium* was inferior only in rank, not in essence, to that of the consuls, and in practice, while they served as governors in the provinces or commanded armies, it was much the same. Other than having only half as many lictors as attendants, praetors enjoyed the same trappings of power as consuls.

During the late Republic, only men aged thirty-nine or over who had previously served as quaestors were eligible to run for the praetorship.

These elections were generally held in July, immediately after the consular elections. Like consuls, they started their year of office on January 1.

3 Aediles

In 494, two aediles of the *plebs* were created to assist the tribunes of the *plebs* (see below), just as the quaestors assisted the consuls.⁴¹ Their name derives from the word *aedes*, meaning temple, and is linked to their commitment to look after all the plebeian-related resolutions which were kept in the temple of the goddess Ceres on the Aventine Hill. In 366, two further aediles were created—dubbed *aediles curules* due to their external signs of rank (purple-hemmed toga and an ivory seat).⁴² The plebeian aediles, by contrast, were distinguished by no outward signs of rank. However, despite the curule trappings, the curule aediles did not have *imperium*. The curule aediles were originally conceived to be the preserve of patricians, but a year after the office had been created it was opened up to plebeians too, and from 364 onwards, by tradition, the curule aedilate alternated between a pair of patricians and a pair of plebeians.

Plebeian aediles were elected in the plebeian assembly headed by a tribune of the *plebs*, while curule aediles were elected in the tribal assembly, presided over by a consul. There was no fixed age limit for holding the aedilate, and although it was not a defined prerequisite for those wishing to be elected to higher offices such as the praetorship or consulate, few who wished to climb up the career ladder skipped this office because of its patent advantages. Aspiring politicians usually held this office after the quaestorship, before running for the praetorship. They were usually in their mid-thirties at this point.

The aediles were responsible for keeping the city clean and safe, for the distribution of water (delivered to the city by aqueducts), and for maintaining roads within the city and public buildings. They also supervised the prices in the markets—especially that of grain—as well as measures and weights. Within their remit, they had full judicial and enforcement authority, and were entitled to issue edicts or impose fines. In addition, they oversaw the production and management of the major public games (*ludi*) on the state's behalf. Although these were public events, they were funded from the aediles' own pocket, not from the public purse. Far from seeing this as a burden, the aediles saw this as a long-term investment: the more extravagant the festivities, the greater their fame and popularity in the eyes of the public, and the more their political image was bolstered in a subsequent bid for higher office.⁴³

The initial connection between the plebeian aediles and tribunes of the *plebs* ceased in the course of time and during the middle and the late Republic, the roles of the four aediles were practically identical, namely to look after the city's municipal affairs (*cura urbis*).⁴⁴ There

was no real difference between the two types of aediles, but the curule aedile seems to have been considered the more prestigious.

4 Quaestors

The quaestorship may have been the most ancient of magistracies. During the monarchy, two *quaestores parricidii* were occasionally appointed by the kings to investigate cases of capital offenses. It is impossible to establish whether the republican quaestors were the direct successors of the monarchical quaestors or whether this was a completely new office with freshly defined tasks. Yet, as quaestors were involved in the initiation of criminal procedures at least until the end of the fourth century BCE, we may assume that during the early Republic quaestors retained some of their predecessors' functions.⁴⁵ This role was later assumed by the tribunes of the *plebs* (see below).

The quaestorship, like the praetorship, evolved over the centuries to meet the changing needs of the emergent empire. In the early days of the Republic, each of the two consuls appointed a quaestor as a personal aide. In 447, the position became an elected one, and in 421, two additional quaestors were introduced (*quaestores urbani*), to manage the state treasury (*aerarium*).⁴⁶ In 267, four additional quaestors were created probably to administer various coastal towns throughout Italy. Over the years the number of quaestors continued to grow, mainly to help governors in the management of their provinces.⁴⁷ In 81, Sulla set the number of quaestors at twenty, and Caesar raised their number to forty.

Quaestors were elected in the tribal assembly and began their term of office on December 5. Initially only patricians were eligible to this office, but soon after their number was doubled, the quaestorship was opened up to plebeians, and in 419, three of the four quaestors were plebeian. The minimum age for the quaestorship—which in 180 became the first prerequisite for anyone seeking a higher office (*primus gradus honoris*)—was fixed at thirty. Following Sulla's reforms, all twenty quaestors automatically became senators upon completion of their term in office.

The quaestors' responsibilities consisted mainly of administrative tasks relating to public finance both in Rome and abroad. The quaestors who accompanied the consuls were in fact adjutants who oversaw provisions, paid the troops, and administered the booty collected from the enemy. Quaestors were also assigned to each of the provincial governors whom they assisted in financial and administrative matters. In most cases, when the *imperium* of the commander whom the quaestor accompanied was prolonged, the quaestor's term of office was prolonged as well (as proquaestor),

although the quaestors' *potestas* did not include *imperium*. The two urban quaestors were in charge of the public treasury (*aerarium*), hence responsible for both making payments and collecting revenues and for the public documentation stored there (the censors' lists, statutes, contracts tendered by the state, the senate's decisions, magistrates' reports etc.). The other quaestors fulfilled various administrative functions throughout the Italian peninsula, such as overseeing grain imports into Ostia.

5 Tribunes of the *Plebs*

The first two tribunes of the *plebs* (*tribuni plebis*) were chosen by the *plebs*), after they had seceded from the city in 494, to lead their struggle against patrician dominance and abuse. Soon after the number of these exclusively plebeian officials was increased to five, and by the middle of the fifth century BCE their total stood at ten. This number, which cannot be satisfactorily explained, remained valid until the end of the Republic and well into the Empire. The tribunes drew their authority from an oath taken by the *plebs*, who vowed to punish anyone who harmed the tribune's person. Consequently, the tribunes enjoyed a special immunity backed by religious sanction (*sacrosanctitas*), stemming from the *plebs*' oath. Their inviolability was recognized and respected by the patricians already in the first half of the fifth century BCE.⁴⁸

To protect the *plebs* from the arbitrary powers (*coercitio*) of the patrician magistrates in a period when the law had not yet been published and was known to very few, the tribunes were endowed with two effective powers: the right to offer help to fellow plebeians wronged by a patrician magistrate (*ius auxilii ferendi* or *ius auxilii*), and the right to intervene (*ius intercessionis*) in order to put a stop to proceedings taken by these magistrates. In fact, at the beginning, the tribunes' help to those who asked for their assistance (*auxilium*) took the form of physical intervention (*intercessio*), that is, they literally stood between the wronged plebeian and the consuls' attendants (*lictores*) who had come to arrest him. The *lictores* were thus prevented from making the arrest since the tribunes could not be touched because of their *sacrosanctitas*.

Armed with these powers, the tribunes led the plebeian struggle which was both economic (interest rates, debt-bondage, land assignation) and political (the right to be elected to the consulate and to be appointed to the religious priesthoods). By the end of the fourth century BCE, the plebeians had achieved all their goals. Debt-bondage (*nexum*) was abolished (by the *lex Poetelia* of 326), and the people were no longer subject to magisterial arbitrary treatment: the laws

and their formulary procedures had been published and the *coercitio* of the magistrates had been curbed by the right of each Roman citizen to appeal to the people (*provocatio ad populum*) against a magisterial action usually involving capital punishment. Moreover, the plebeian elite had by then acquired complete access to all magistracies and most of the major priesthoods and become an integral part of the governing class. Theoretically, the two tribunician bastions of power, *auxilium* and *intercessio*, were no longer needed. In practice, however, the tribunician powers were not only preserved but, in fact, extended and their tasks completely redefined.

In 287, a law enacted by the dictator Hortensius (*lex Hortensia*) ruled that resolutions taken by the plebeian assembly (*plebiscitum*, pl. *plebiscita*) would henceforth have the force of *leges*, that is, laws passed in the centuriate assembly, hence binding on the whole people and not on plebeians only. Consequently, the tribunes and the assembly they presided over, the *concilium plebis* (see below), became Rome's principal legislative body. To carry out this role, the tribunes, who until then had been relegated to sitting on wooden benches outside the senate house, were permitted to take part in senate sessions and even to convene it (*ius agendi cum patribus/ senatu*).⁴⁹

The original right to intervene (*ius intercessionis*), which complemented the role of the *ius auxilii*, developed into a general right of veto (*veto* meaning "I prohibit"), allowing tribunes to effectively paralyze all political activity in Rome. Since the veto of any one of the ten tribunes was sufficient to halt any given magisterial or senatorial initiative,⁵⁰ the tribunician veto became one of the most commonly used—and occasionally abused—tools in Roman politics. Rival factions within the elite employed the veto to obstruct one another's motions in heated debates over controversial issues, which usually compelled the rivals to reach a compromise or to drop completely the contended matter.⁵¹ The *ius auxilii*, which had initially been designed to protect the *plebs* against the arbitrary powers of the consul developed into a general right of assistance to which all citizens, both patricians and plebeians could apply. Indeed, practically all known cases in which tribunician assistance was demanded, especially in the relatively well-documented second century BCE, concern magistrates or senators, patricians and plebeians alike, who converted this right into a useful weapon in their personal and political rivalries.⁵² Tribunes also had the power to imprison a censor or a consul, even for no apparent reason.⁵³

A crucial change occurred when Tiberius Gracchus reinterpreted the nature of the tribunician veto. Not only did he pass legislation without previously consulting the senate—which was perfectly legal but contrary to long-established tradition—but he also deposed his

colleague Octavius, regardless of his *sacrosanctitas*, by the vote of the *concilium plebis*, claiming that a tribune was sacred and inviolable only as long as he did not wrong the people who had voted him into office (p.4). Although the deposition of tribunes by a popular vote did not recur—the very threat of some tribunes to follow in the footsteps of Tiberius Gracchus dissuaded their colleagues from vetoing controversial motions. Proposing bills to the plebeian assembly without previous senatorial consent, however, became a regular and sometimes turbulent feature of Roman politics in the late Republic, and tribunes were involved in many of the political crises of the first century BCE. As the senate's authority diminished and that of the military leaders increased, many tribunes worked hand in hand with the latter to promote shared interests.⁵⁴

Sulla, who wished to curtail the tribunes' powers *vis-à-vis* the senate and to prevent them from introducing radical legislation, limited their legislative powers, even going so far as to rule that whoever held the tribunate would be disqualified from pursuing a political career thereafter. These restrictions were gradually lifted, and in 70, Pompey and Crassus as consuls fully restored the tribunes' powers.⁵⁵

From the third century BCE onwards, in addition to their restructured basic powers, the tribunes, who had originally held no judicial powers (Gell. 12.12), assumed the role of "state prosecutors" who indicted public officials accused of crimes against the state.⁵⁶ This function, however, fell gradually into disuse with the establishment of criminal courts.

The tribunes were elected by the *concilium plebis* presided over by a tribune. Each of the ten tribunes began his term on December 10. The tribunes' authority was valid only within the boundaries of the city of Rome (and one mile beyond), and to stress their accessibility to the people, they were required to leave the doors to their houses open at night. The position carried with it no visible signs of rank, and in contrast to the ivory seats of curule officials, its holder sat on a simple wooden bench.

Clearly, only plebeians could stand for election; patricians seeking to become tribunes could do so only by first becoming plebeians—a process involving adoption into a plebeian family (*transitio ad plebem*).⁵⁷ Since it was not a magistracy of the whole people, it was not made an obligatory step in the career ladder (*cursus honorum*). Nonetheless, because of its unique powers and influence, plebeians aspiring to higher offices, including sons of elite plebeian families, usually ran for the tribunate after they had held the quaestorship.

6 Minor Magistracies

The general appellation “minor magistrates” usually refers to some fifty junior annual magistracies ranking below the quaestorship comprising both military and civil offices. The first group consisted of the twenty-four military tribunes who were elected by the tribal assembly (six for each of the original four consular legions—when the number of legions increased, the commanders in chief appointed additional tribunes). They were the senior officers of the legions and carried out important tasks (helping in the levy and swearing in newly recruited soldiers). Polybius

(6.19.1–2; 26) relates that (at least at the end of the third century BCE) fourteen of these had to have had completed five years of military service, the other ten, ten years.⁵⁸

The other group consisted of civil magistracies collectively known as the *vigintisexviri*—that is twenty-six men. This body included six boards of officials whose name also derived from the number of their members and their function. The largest college was that of *decemviri stlitibus iudicandis*, ten men who judged lawsuits, including cases pertaining to the status of individuals (whether slaves or freemen). The *quattuorviri viis in urbe purgandis*, also known as *quattuorviri viarum curandarum*, were a board of four men responsible for the safety and upkeep of roads within Rome. The college known as *duoviri viis extra urbem purgandis*, also dubbed *duoviri curatores viarum*, comprised two men who were responsible for the roads outside Rome. One of the few testimonies that we have about this office involves Julius Caesar, who as curator of the Appian Way spent large sums of money on its upkeep in order to win popularity (Plut. *Caes.* 5.9). The *praefecti Capuam Cumas*, a board of four men, were responsible for administering justice in the Campanian cities of Capua and Cumae. The *tresviri aere argento auro flando feriundo* (three men for striking and casting bronze [and] silver [and] copper coins), better known as the *tresviri monetales* (three men responsible for the mint), often simply referred to as “moneys,” were responsible for the production and design of coins in Rome. This post was created in the first half of the third century BCE, when Rome began minting coins, and some 200 pieces that were struck between the years 150–50, bearing the name of the *monetales* who minted them, have survived.⁵⁹ The *tresviri capitales*, created in 289, were a college of three who guarded state prisons and supervised executions. They were probably preceded by the *tresviri nocturni* (three nocturnal men, Liv. 9. 46.3) about whom we first hear in 304 and who patrolled the city at nights on the alert for criminals and runaway slaves, and, mostly, for fires. For this purpose they had public slaves at their disposal who were stationed throughout the city so that they could be called whenever a fire broke out (*Dig.*1.15.1). The *tresviri capitales* may have had some jurisdiction of their own, and it is

possible that they aided the *praetor urbanus*, who was in general charge of jurisdiction, in cases pertaining to the lower stratum of the free population.⁶⁰

7 Censors

This magistracy was named after its first and foremost task, the conducting of the *census*. The *census*—that is a register of the Roman citizens and their assets—was first instituted in the sixth century BCE by Rome’s sixth king, Servius Tullius (p.36). When the monarchy was abolished, the task fell to the consuls. In 443, two new magistrates, the censors, were first created specifically for this purpose. Livy links the creation of this magistracy to the conflict between patricians and plebeians, but a more likely explanation is the growth of the population, coupled with the increasing military commitments of the consuls. As Livy had pointed out, it was impossible to complete the *census* in a single year,⁶¹ so unlike other ordinary magistrates, censors remained in office for a term of eighteen months. They were usually elected once every five years.⁶² Livy also relates that at first the post was not held in particularly high esteem, but over time, as its authority grew, it became the most venerated of all magistracies.⁶³

The censors were elected by the centuriate assembly presided over by a consul. Initially, censors were chosen exclusively from among the patricians, but in 351, the first plebeian censor was elected, and in 339, a law was passed stipulating that at least one of the two censors should be plebeian.

From then on, the custom was for one censor to be patrician and the other plebeian. In 131, two plebeians were elected to the post for the first time, but as was the case with the election of two plebeian consuls in 172 (see above), this resulted from the diminishing number of patricians. Although the law prohibited a censor from holding this office more than once there is one known case of a censor who held it twice.⁶⁴ The censorship was a *curule* magistracy albeit without *imperium*. They had no lictors and they could not convene the senate or the people. From the second half of the fourth century BCE, with few exceptions, only former consuls were elected to the censorship. It was also customary to designate the oldest patrician former censor as *princeps senatus* (p.87).

Every decision taken by the censors had to be acceptable to both, since each had the power to veto the other’s ruling. The censors’ motions were not subject to consular or praetorian intervention, but were susceptible to a tribunician veto.⁶⁵ If one of the censors died in office, his colleague had to abdicate immediately and no elections were held for new censors in that year. This custom followed the

disastrous defeat of the Romans by the Gauls in 390, which the Romans interpreted as divine punishment for a situation that had occurred shortly before, when a censor was elected to replace the censor who had died while in office.⁶⁶

The *census* was the censors' main responsibility. To conduct it, the citizens were summoned to a special building erected for this purpose (*villa publica*) in the *campus Martius*, where, under oath, they identified themselves to the censors, giving their full name, age, marital status, whether they were free-born citizens or freedmen, and declared their assets (such as lands, slaves, cattle, and, occasionally, luxury items such as carriages and jewels).⁶⁷ A citizen who dodged the censorial summons was subject to severe punishments such as confiscation of property or even loss of citizenship. The register was important not only for the demographic information that it yielded, but also because of the classifications that it made possible, which had political and fiscal implications. The censors registered the citizens in the tribes according to their place of residence and had full control over the decision where individuals were registered. Freedmen, for example, whose number increased dramatically over the years, were registered exclusively in the four urban tribes, regardless of their place of domicile or wealth, in order to minimize their political weight. The censors also assigned Roman citizens, according to age and property, to the classes and the centuries of which the centuriate assembly was composed. This categorization was of huge significance as it established a person's place in the most senior popular assembly, his electoral weight (p.127) and in a certain manner, his social status. It seems that on this occasion heads of families were required to take an oath before the censors swearing that they had married for the purpose of begetting children.⁶⁸ The evaluation of the citizens' assets served as the basis for calculating the property tax (*tributum*), which appears to have been proportional to one's possessions. In 167, however, the Romans stopped paying property tax altogether, so that this aspect of the *census* became irrelevant. Once the censors had completed the *census*, they performed the *lustrum*, a ceremony symbolizing the purification of the Roman people.⁶⁹

It was the censors' responsibility to inspect all *equites* who had received their horses from the state (*equites equo publico*). The inspection took place in the Forum, and every *eques*, as his name was called out, walked past the senators leading his horse. If the censors found an *eques* unworthy of his status, because of discreditable conduct, they deprived him of his public horse—(the horse had to be sold and the proceeds deposited in the treasury) and his status (he was reduced to the status of an *aerarius*, a form of lesser citizenship).⁷⁰

The censors' powers were further broadened around 312 when a

law introduced by the tribune of the *plebs* Ovinius (*lex Ovinia*) transferred responsibility for compiling the list of senators (*lectio senatus*) from the consuls to the censors. The law did not give the censors *carte blanche* to enroll anyone they wished, but they were obliged to choose only from among the best of former magistrates, with preference to former curule magistrates. Both the appointment and removal of senators were carried out only with the unanimous consent of both censors.

Over the years, the censors assumed another important role and became responsible for the collection of various revenues and the expenditure of public money on public works, subject to the sums allotted to them by the senate. They oversaw the construction and upkeep of public buildings (such as temples, basilicas, theaters, and bridges both in Rome and throughout Italy).⁷¹ Since republican Rome had no proper civil service or bureaucracy, the execution of these tasks was carried out by private contractors (*publicani*) (p.49) who competed for public contracts tendered by the censors in Rome. The censors were especially concerned with the city's water supply and the construction of roads. As censor in 312, Appius Claudius Caecus was responsible for the construction of Rome's first aqueduct (*aqua Appia*) and its first major road, the Appian Way (*via Appia*), which connected Rome with Campania (and was later extended to Brundisium), while the *via Flaminia*, running from Rome through Etruria and over the Apennines to Ariminum on the Adriatic coast, was named after the censor Gaius Flaminius, who instigated its construction in 220.

The censors' wide-ranging powers—their right to brand individuals whose conduct they deemed both improper and contrary to Roman codes of behavior, either in private or public life, by appending a note of reprimand next to their names (*nota censoria*);⁷² their right to punish citizens by reducing their status and by moving them from a rustic to an urban tribe; their right to deprive *equites equo publico* of their public horses and to remove senators—gradually transformed them into the general controllers of the morals of the Roman people and made them the guardians of traditional morals (*regimen morum*).⁷³ Such serious decisions, however, were not taken on a whim; both censors had to take an oath that the punishment that they had inflicted was not influenced by partiality but stemmed from careful and unbiased investigation. It is these distinctive attributes of the Roman censors that gave rise to the modern meaning of “censorship.”

Although the censorship was a magistracy without *imperium*, it was highly venerated and carried with it a great deal of prestige. Few former consuls attained it, and for those fortunate enough to do so it became the pinnacle of their political career. Toward the end of the second century BCE, however, the powers of the censors to appoint

and depose senators were gradually curtailed. In 131, legislation was passed obliging the censors to appoint all former tribunes of the *plebs* to the senate,⁷⁴ and following Sulla's reforms, their power to appoint senators was entirely canceled following a new procedure according to which each year all twenty outgoing quaestors were to enter the senate automatically. In 58, the tribune Clodius Pulcher further eroded the censors' authority by introducing legislation preventing them from deposing senators without due legal process.⁷⁵ Moreover, after the Social War (91–88), censors ceased to be elected regularly and, in fact, only two pairs of censors managed to complete their tasks, in 86 and in 70.

8 Dictator

Soon after the Republic was founded, in 501, it became apparent that the division of the supreme military command between two consuls with equal powers could prove impractical and even dangerous during critical military campaigns. Accordingly, in times of emergency, the Romans vested all powers in the hands of a single magistrate first called *magister populi* (master or commander of the people) and later *dictator*. He was given absolute power—the joint powers of both consuls—his *imperium* visibly apparent in the twenty-four lictors who accompanied him (equal to the total number of lictors of both consuls), and in the *fascēs* they carried, which featured axes even within city boundaries (*pomerium*). While he was in power, all other magistrates continued to serve at their designated posts, but all were subordinate to his command. Dictators were not elected by the people but appointed by one of the consuls, at the behest of the senate, in a mysterious ceremony conducted between midnight and dawn. This process was termed *dicere* (to say, proclaim, or nominate), hence the title dictator. He was appointed to carry out a specific task (*dictator rei gerundae causa*) and his term of office was restricted to a maximum of six months. Often he would serve for even less time either because he had completed his assigned task or because the consul who had appointed him had completed his year in office or had died. Upon his appointment, a dictator nominated his second in command (usually designated by the senate), known as the *magister equitum*, or master of the horse. The *magister equitum* had *imperium* but was attended by only six lictors and remained in office only for as long as the dictator who had appointed him. At first, both dictators and masters of the horse were drawn exclusively from among the patricians, but from 356 onwards plebeians were also appointed to both positions. Only former consuls were appointed dictators.

Livy (2.18.8) maintained that this extraordinary post was first

created to deal with military threats.⁷⁶ Dionysius of Halicarnassus (*Ant. Rom.*

5.27) implies that the dictator's absolute authority—which meant that no other magistrate, including the tribunes of the *plebs*, could question his decisions—made it very useful during the acute domestic crisis that afflicted Rome such as the conflict of the orders. However, judging by its original designation—*magister populi*, and that of his deputy, *magister equitum*—it appears to have been created in response to military rather than domestic exigencies.

Dictators, who had the trappings of a curule magistracy, were forbidden to ride on horseback when in Rome without first obtaining the permission of the people (Liv. 23.14). This seemingly strange restriction remains unexplained, but it may have been enforced to emphasize that although the dictator's powers were “kingly” in nature, if only for a short time, he was not a king. A dictator was also forbidden to leave Italy altogether for fear that the Republic would be endangered.⁷⁷

From the third century BCE onward, dictators were rarely appointed, probably because the dictatorship's peculiar limitations prevented its bearer from functioning effectively in a rapidly changing world. The increasingly long military campaigns that were waged at an ever further distance from both Rome and Italy made the above mentioned restrictions less and less tenable. For domestic purposes, too, the position was no longer relevant, since the struggle between patricians and plebeians was over, and a law passed in 300 (*lex Valeria*) made the coercive authority (*coercitio*) of all magistrates subject to the citizens' right of appeal (*provocatio*). Moreover, the very nature of the position, which invested absolute authority in one person, no matter for how short a time, no longer seemed appropriate to the ruling elite that had emerged during the early Republic, whose members were careful to ensure that no one within their ranks held significant advantage over the others.

Nonetheless, the special status and powers of this extraordinary magistracy proved convenient in special circumstances. For example, only consuls were permitted to conduct elections for their successors, but if neither of them was present in Rome, a dictator was appointed for the purpose (*dictator comitiorum habendorum causa*). He, too, appointed a *magister equitum* to assist him, and resigned from his post immediately after the winners had been announced.⁷⁸ Dictators were also appointed to supervise certain religious ceremonies, to preside over games, and in a highly unusual move, in the darkest days of the Second Punic War (218–201), a dictator (although without a master of the horse) was charged with appointing new senators (in 216), a task usually carried out by the censors to replace the one hundred and

seventy-seven senators who had perished in the war's first bloody years.⁷⁹

The dictatorships of Sulla and Julius Caesar were exceptions to the rule and contrary to tradition. In 82, the centuriate assembly, presided over by an *interrex* (p.87), elected Sulla as dictator for an unlimited time in order to enact laws and to re-organize the state (*dictator legibus scribundis et rei publicae constituendae*).⁸⁰ Yet, he kept the spirit of the traditional dictatorship when he resigned after having completed the tasks for which he had been appointed, which had indeed necessitated a longer period of time (about a year) than the mandatory maximum of six months.⁸¹ Julius Caesar, who was appointed dictator for the first time in 49 by special legislation initiated by a praetor while Caesar was still besieging Massilia (modern Marseille),⁸² scoffed that "Sulla did not know his ABC when he laid down his dictatorship."⁸³ He sought and received appointment as dictator five times after taking over Rome in 49, culminating in his appointment in February 44 as "dictator in perpetuity" (*dictator perpetuo*, that is, for life) a month before he was murdered on the Ides of March (March 15). After Caesar's death, Marcus Antonius (Mark Antony), who was Caesar's *magister equitum* in 47 and his fellow consul in 44, enacted a law that abolished the dictatorship altogether. It is from these last two instances that the modern meaning of "dictator" has emerged.

9 Promagistrates

As Rome's campaigns extended to Italy and overseas and military campaigns grew longer in duration, the consuls found it increasingly difficult to complete their military tasks during their allotted year in office. As a matter of course, at the end of the consular year, the consuls had to transfer their command to their newly elected successors, irrespective of the situation on the front. It was soon realized that changing commanders in the midst of a military campaign compromised Rome's military capability. Since law and custom prohibited prolonging the consuls' term in office—annuity being one of the fundamental principles of the republican regime—and the number of consuls was never increased, an ingenious solution was concocted. When deemed necessary, the *imperium* of a consul who had completed his year in office was prolonged (*prorogatio imperii*) for the purpose of completing his mission, while the newly elected consuls received other assignments. He was given the title *proconsul* ("in the place of a consul"), but his extended *imperium* was lesser than that of the acting consuls, was valid only in the specific zone in which he fought, and limited in time, expiring immediately upon the completion of the assignment or on a predetermined date.

The first prorogation of *imperium* was granted to the consul Quintus Publilius Philo in 326, to allow him to complete the capture of Naples.⁸⁴ In most cases, *imperium* was extended for a year, but in exceptional instances—such as those of the Scipio brothers who headed the Roman legions in Spain during the Second Punic War—it was prorogued continuously for nearly seven years.⁸⁵ During the second century BCE, the *imperium* of praetors was similarly extended, whereupon they were known as *propraetors*. Although *quaestors* had no *imperium*, their term of office was usually extended to match that of the *imperium*-holding magistrates whom they assisted under the title of *proquaestor*. Thus Rome was able to increase the number of *imperium* office-holders—that is military commanders, without a parallel increase in the number of permanent magistracies.

At first, *imperium* was prolonged by a senate resolution ratified by a vote of the plebeian assembly,⁸⁶ but in the second century BCE, popular approval had been mostly waived and the senate alone decided on this matter.

During times of acute crisis, such as the Second Punic War (218–201), when there were more campaigns than magistrates with *imperium*, the senate bestowed proconsular and *propraetorian* commands on private individuals; but even in such cases popular approval was only rarely requested.⁸⁷

After Sulla's reforms, prorogation of *imperium* became obsolete as both consuls and praetors remained in Rome during their year in office and left for the provinces upon its completion as *promagistrate*.⁸⁸ In the last two decades of the Republic, however, the Sullan system was often violated. Much against the senate's will, Pompey was granted two highly irregular and extraordinary commands by a popular vote: in 67, although at that time he was a private citizen, a tribunician law (*lex Gabinia*) granted him an extended proconsular *imperium* to eliminate piracy from Mediterranean waters, and in 66, the tribune Manilius passed a law (*lex Manilia*) which conferred upon Pompey yet another extraordinary command to conduct the war against Mithridates, king of Pontus (p.23). In the last, turbulent decade of the Republic, when it was under the considerable influence of the “triumvirs,” (p.26) the patterns of proconsular commands disintegrated entirely. Thus, for example, a tribunician law (*lex Vatinia*) granted Julius Caesar, who was consul in 59, a proconsular command for five years over Cisalpine Gaul and Illyricum (to which Transalpine Gaul was later added by the senate). In 55, his command was further extended for another five years. In the same year another tribunician law (*lex Trebonia*) granted both Pompey and Crassus proconsular command for five years: Crassus in Syria (with the war against the Parthia in mind), while

Pompey received command over both Spanish provinces. The latter set a precedent when he did not leave for his provinces once his term of office ended, but stayed in Rome and sent a legate (Lucius Afranius who had been consul in 60) in his place.

10 The Career Ladder (*Cursus Honorum*)⁸⁹

With the rise in the number of public magistracies, a natural hierarchy emerged, based on the degree of responsibility and the powers accorded to each office. Like other fundamental features of the Roman regime, this was the product of custom rather than law. By the early second century BCE, the total number of office-holders had grown considerably. Each year, some ten quaestors and six praetors were elected to office, but the number of consulships remained at two. Clearly, not all contenders could reach the highest office, and competition became particularly intense. Precedents set during the dire days of the Second Punic War—when very young men reached higher office without serving in the more junior positions first—only exacerbated the problem, threatening to upset the entire meticulous system of rank carefully established over centuries of tradition.⁹⁰ When customs proved no longer sufficient, the Romans usually turned to legislation, and indeed in 180, a law introduced by the tribune Villius (*lex Villia Annalis*) established the minimum age for some of the magistracies.⁹¹ The information Livy provides is meager, yet the law appears to have also established a minimum period of two years between consecutive positions, as well as a prescribed order of advancement.⁹² The law was re-enacted and perhaps somehow modified by Sulla in 81 to establish an obligatory order between magistracies, and also setting a minimum age for each (at the time of election): quaestor (thirty), praetor (thirty-nine), and consul (forty-two). Magistracies that were confined to plebeians only, namely the tribunate and aedilate of the *plebs*, were not stipulated as a prerequisite to higher office as they were not open to patricians. Although both patricians and plebeians could hold the curule aedilate, it was not made an obligatory step in the career ladder since the two aedilates were generally perceived as essentially identical.

According to these rules, the normal career of an aspiring Roman *eques* (assuming that he was aiming for the very top of the ladder) might proceed as follows: At the age of twenty-seven or so, after serving in the army for ten years (or ten campaigns), he would compete for one of the minor magistracies, military, civil, or both, and subsequently, at the age of thirty, for one of the quaestorships, the first and obligatory step in the *cursus honorum*. After that, if our imaginary contender was plebeian, he would make sure—as sons of

distinguished plebeian families generally did—to be elected tribune of the *plebs*, an office that was closed to patricians. Around the age of thirty-five/thirty-six, he would make sure to hold the aedilate, even though it was not an obligatory step in the career ladder, because anyone hoping to continue to a higher office would not wish to skip this office, if only for the exposure that it provided to the electorate (see above). The curule aedileship, open to both patricians and plebeians, was considered more prestigious and promising than its plebeian counterpart, although serving in the latter did not hinder the advancement of its holder. The next rung at the age of thirty-nine was one of the praetorships, and after that, at the age of forty-two, he could at last stand for the most sought-after position—that of consul, which remained the zenith of public office throughout the republican period.

The Senate (*Senatus*)

1 Composition and Procedures⁹³

Tradition has it that Romulus formed a council of elders (*senatus*, from *senex* [old]) as an advisory body, comprising one hundred senators chosen from among the most distinguished Romans, whom he designated as *patres*. The number of senators was increased during the monarchy and by the time the Republic was founded in 509 had reached three hundred.⁹⁴ This number remained unchanged until 81 when it was doubled to six hundred by Sulla. Julius Caesar raised the number of senators to nine hundred, but Augustus reduced it again to six hundred.⁹⁵

At first, senators were appointed by the kings; after the abolition of the monarchy the task passed to the consuls. A law introduced by the tribune Ovinus the *lex Ovinia* (about 312) placed the power to add and depose senators in the hands of the censors.⁹⁶ Unlike the kings and consuls before them, the censors' freedom to decide had certain limitations. They were bound, under oath, to choose only the best men (*optimi*) from all ranks (*ordines*).⁹⁷ Although the law does not define the meaning of “best men” and “all ranks,” it is generally agreed that the censors were to choose senators from among all former magistrates—with a preference for those who had held a curule magistracy and had not been previously enrolled in the senate.⁹⁸ Furthermore, they could not depose a senator at their whim (membership was *de facto* for life), but only for severe misconduct and by mutual decision. Consequently, during the third century BCE the senate gradually became a body made up entirely of former magistrates—and as such regarded by some as a popularly elected

body, albeit indirectly.

The review of the senatorial list (*album senatorum*) was the censors' first task upon entering office. In a procedure called *lectio senatus* (senate roll call), they read out the list of incumbent senators, and crossed out the names of those who had died or whom they had jointly decided to remove. Only then, when it was apparent how much the list fell short of the required number, did they go about appointing new members in accordance to the guidelines set down by the *lex Ovinia*.

It is estimated that in a cycle of five years (*quinquennium*)—in the period between two censorships—between fifty and seventy senators died, while the number of deposed senators was usually exceedingly small.⁹⁹ To restore the senate to its required number, it was often not enough to enroll only former curule magistrates elected during that period (namely, ten ex-consuls, and—from 196 onwards—thirty ex-praetors and ten ex-curule aediles), many of whom may well have been already enrolled by the previous pair of censors. Accordingly, many new senators were drawn mostly from among former plebeian aediles, quaestors, and plebeian tribunes.

The number of senate members never stood at exactly three hundred—or six hundred after 81. In fact, before 81, in the interim between censorships, all former magistrates who had not yet been appointed to the senate were permitted to take part its meetings—albeit without voting rights—in anticipation of their appointment in the following *lectio*. Indeed, former magistrates who were not ultimately enrolled but “passed over” (*praeteriti*) by the censors, considered themselves disgraced.¹⁰⁰

Gradually, however, the censors lost their powers of appointment. In 131, the law named after the tribune Atinius (*lex Atinia*) compelled them to enroll anyone who had held the plebeian tribunate since the previous *lectio*.¹⁰¹ In 81, after adding three hundred members to the senate, Sulla decreed that all former quaestors—whose number he increased to twenty—would become senators on completing their term in office, a decision that in effect made recruitment to the senate completely automatic. In 58 the tribune Publius Clodius Pulcher dealt a further blow to the censors' authority by ruling that no senator be ousted without due legal process.

The senate was a highly stratified body, with a hierarchy based on the offices that its members had held. The dominant and most prestigious group was that of the *consulares*, or former consuls, who headed the senate and determined and shaped Rome's policies.¹⁰² After them, in descending order of prestige, came the *praetorii* (former praetors), the *aedilicii* (former aediles), the *quaestorii* (former quaestors), and finally the *tribunicii* (former plebeian tribunes).¹⁰³

Junior senators usually took no part in the decision-making process, and were only rarely given the chance to voice their opinions before the senate plenary. They formed the core of the backbenchers, and the term *pedarii*—"those who vote with their feet"—may have referred to them because their senatorial activity consisted mainly of signaling their vote by walking to one side of the chamber or the other according to the orders of the presiding magistrate.¹⁰⁴ Nonetheless, their importance should not be underestimated. Since the senate, unlike the popular assemblies (see below), maintained the principle of "one person, one vote," every vote counted when serious disagreements broke out among the *consulares*.

Although the senate had its own house (*curia*),¹⁰⁵ its sessions were not limited to one location and it could be convoked at any consecrated venue (*templum*) declared as such by the augurs, as long as it was within the city's official precincts (the *pomerium*).¹⁰⁶ The senate could hold meetings only on days on which public business was allowed (p.92), and the first session of the year was always held in the temple of *Jupiter Optimus Maximus* on the Capitol. Sessions were never held spontaneously or at the will of its members, but only at the bidding of magistrates, who held the power to convene the senate for the purpose of seeking its advice (*ius agendi cum patribus/senatu*).¹⁰⁷

Like all public activities in Rome, no senate session could begin before consulting the gods. Debates began at dawn and had to be brought to a halt at sunset. Senators could not address the plenary unless given the floor by the presiding magistrate, who, for his part, could not call upon any senator he wished but had to adhere to a traditionally established descending order of seniority. During the second century BCE, it was customary first to ask the opinion of the *princeps senatus* (see below); in the late Republic, it was the privilege of the presiding magistrate to choose whom to call upon first, providing that the senator was a former consul (*consularis*). If the discussions were held in the months that followed the consular elections, it was customary to first ask the consuls-elect (if present) for their opinion. Senators' speeches had no time limit placed on them, a license that was sometimes exploited to deliver extremely long speeches that lasted till sunset in a bid to delay voting on controversial issues (a forerunner of the modern-day filibuster). A tribune of the *plebs* could veto the proceedings at any stage of the deliberation. Once the debate was over, voting, which was not secret, was carried out either by calling on each senator for his vote or by division (walking over to one side if in favor of the motion, to another if against it).¹⁰⁸ The voting rights of acting magistrates who were already senators were suspended for the duration of their year in office. Thus, an acting consul could not give his vote in a senatorial

debate, despite being a member, even if he had convened the session and chaired its meetings by virtue of his authority.¹⁰⁹

The presiding magistrate was also responsible for the resolution's wording, usually after consultation with other senators of his choosing. Senate resolutions (*senatus consultum*, pl. *senatus consulta*) were documented in writing, but not published. In 59, while consul, Julius Caesar ordered the publication of the senate's resolutions,¹¹⁰ an innovation that was subsequently abolished by Augustus.¹¹¹

Senators were not permitted to leave the Italian peninsula without permission, and prior to deliberations on important decisions they were asked to stay in the vicinity of Rome.¹¹² Nonetheless, they were not obliged to attend each session (unless a certain senator was specifically summoned), and the senate assembly almost never convened with full attendance.¹¹³ At any given time some senators were absent in their capacity as functioning magistrates or as ambassadors overseas, while others (presumably inactive or elderly senators) preferred to stay in their country estates and not trouble themselves to come to Rome. An indication that ordinary attendance was probably not always high is provided by the fact that certain weighty decisions required a quorum of one hundred senators, known as *plenus senatus*, meaning that a "full senate" consisted of one third of its members.¹¹⁴ This particular quorum was probably augmented to two hundred senators after Sulla's reforms.¹¹⁵ By the late third century BCE, Rome's expansion had opened up many economic possibilities for enterprising Romans—senators included. As it was commonly held that senators should not engage in making money since it was unbecoming to their status, a law introduced by the tribune Quintus Claudius (*lex Claudia*) in 218 prohibited senators and their sons from owning sea-going ships with a tonnage exceeding three hundred *amphorae* (between seven to eleven tons). Smaller ships were considered large enough for the purpose of transporting surplus crops from their estates. They were also prohibited, by this law or by another measure, from participating in bids for public contracts tendered by the censors. This measure was designed to avoid conflicts of interest between senators and publicans, but it also reflected the Roman ruling elite's innate disdain for the trades. This injunction, however, was not always scrupulously observed, and senators found ingenious methods for evading the law's rulings; in Cicero's days, the law was a dead letter.¹¹⁶

2 Patrician Prerogatives

Many modern scholars have argued that under the monarchy and the early republican era only patricians were appointed to the senate. This

contention, however, has no solid corroboration in the ancient sources, and while in the early periods patricians undoubtedly held the upper hand in the senate, some of its members, if only a minority, were plebeian.¹¹⁷ In the wake of *lex Ovinia* (see above), the number of plebeian senators grew steadily by virtue of their being former magistrates, and by the end of the third century BCE, an estimated seventy percent of senators were plebeians.¹¹⁸

In spite of their diminishing numbers, patrician senators continued to hold certain exclusive privileges, a vestige of their supremacy in the earlier days. Thus, only a patrician senator could be appointed *interrex* (literally between kings, or interim king), an office that was first created after the death of Romulus, and whose function was to oversee the election of a new king (Liv. 1.32.1). This position with its peculiar powers was not abandoned with the expulsion of the kings as it proved useful in the early days of the Republic when *interreges* were appointed by the senate to preside over consular elections when neither consul could come to Rome to hold the elections.¹¹⁹ Similarly, only a patrician could be named *princeps senatus*—"the first of the senators"—whose name headed the senatorial list (*album senatorum*) compiled by the censors. Traditionally the *princeps senatus* was chosen from among the former, and usually the oldest, patrician censors. Sulla's reforms put an end to this custom.

During the Early Republic, patrician senators had the authority (*patrum auctoritas*) to ratify or repeal laws passed by the plebeian assembly. This mandate was gradually lifted, and in 287, a law introduced by the dictator Hortensius (*lex Hortensia*), removed this privilege completely, and the term *patrum auctoritas*, which had hitherto symbolized the patricians' supremacy, came to denote the authority of the senate as a whole, reflecting the huge prestige that it had acquired as an institution.

3 Powers and Roles

The senate was established from the outset as an advisory body, initially to kings and subsequently to the consuls, and its resolutions (*senatus consulta*) did not carry the force of law. Although the senate had no official executive powers, after the enactment of the *lex Ovinia*—as a result of which it became a permanent stable body (in contrast to the annual turnover of magistrates), composed of former magistrates with a great deal of experience in various fields—it gradually assumed control over a wide range of responsibilities, some of which it had previously shared with the people,¹²⁰ becoming Rome's most distinguished and powerful institution. Indeed, prior to 133, little happened without the senate's approval and very few laws

passed without its prior blessing. Not surprisingly, therefore, when Polybius sets about describing the “aristocratic element” in the “Roman constitution” (6.13), he does so by listing the senate’s functions and competences.

The senate controlled the state treasury (*aerarium*) handling Rome’s revenues and deciding on its expenditures. The quaestors, who managed the *aerarium*, were not allowed to pay anyone without the senate’s specific orders. It was responsible for levying the property tax (*tributum*) until 167,¹²¹ for establishing indirect taxes, assigning budgets to the magistrates, managing the leasing of public lands, allocating funds to the censors for their public projects, and deciding on the taxes to be levied from the provinces.

The senate was solely responsible for establishing Rome’s military objectives, for making sure that its forces were properly prepared, and for determining the policies that the various magistrates, according to their authority, executed. Although the formal decisions to declare war and conclude peace were ostensibly the preserve of the centuriate assembly (see below), it was the senate that first decided on such matters, empowering one of the consuls to bring a proposal in that vein to the people’s vote. Each year the senate decided on the various theaters of activity (*provinciae*) in which Rome would be involved.¹²² Two *provinciae*, which were designated as consular commands, were assigned to the consuls by lot. Until the end of the second century BCE the consuls’ *provinciae* were allocated only after the annual elections had been held, but in 123, in an attempt to reduce the senate’s powers and prevent possible abuses, Gaius Gracchus introduced a law instructing the senate to assign the provincial commands before the consular elections, thus preventing the choice of *provinciae* from being influenced by senatorial prejudice in favor of, or against, one consul or another.

It was the senate that decided on the levying of soldiers (*dilectus*), on the size of the consular armies (the levy itself was conducted by the consuls), and whether to extend the *imperium* (*prorogatio imperii*) of military commanders once their term in office ended—thereby allowing them to complete their campaign and reap the ensuing accolades by celebrating a triumph, for which senatorial approval was also required. As part of the senate’s responsibility for state religion, it was authorized to offer thanksgiving to the gods after an important military victory, and it was also the senate that decided whether a conquered territory overseas would become a province to be governed by Roman magistrates.

With Rome’s growing diplomatic and military intervention in the Mediterranean world, the senate assumed yet another role, taking charge of Rome’s “foreign affairs.” It negotiated with foreign states,

concluded treaties, and received foreign delegations from all over the *oikoumene*, who came to Rome to pay their respects or ask for mediation or involvement in their local disputes. To investigate such pleas the senate often dispatched embassies comprising its members “to countries outside Italy for the purpose either of settling differences, or of offering friendly advice, or indeed imposing demands” (Polyb. 6.13.6).

Before the Social War (91–88), after which the whole of Italy south of the Po became part and parcel of the Roman state, the senate was the general overseer of Italy and regulated the relations both between Rome and its Italian allies (*socii*) and between the allies themselves. Although the *socii* were autonomous, the senate intervened in criminal offenses and civil disputes that it deemed dangerous to the stability of the ally system as a whole and to Rome’s authority and safety. Thus Polybius (6.13.4–5) states that crimes that had been committed in Italy involving treason, conspiracy, poisoning, and assassination came under the jurisdiction of the senate.

As the overseer of all public lands in Italy, it was the senate that decided whether to assign land in conquered territories to Roman citizens or to send out colonies, whose nature and number of settlers were also determined by the senate. This senatorial prerogative was frequently contested during the late Republic, when agrarian laws, which assigned lands to Roman citizens, were brought to the ratification of the plebeian assembly by tribunes of the *plebs* without the senate’s prior approval.

Toward the middle of the second century BCE senators also became involved in criminal judicial procedures that had until then been the people’s domain. Provincial commanders who had gravely mistreated local populations were frequently indicted before special *ad hoc* courts where senators sat as judges (*iudices*), rather than being brought to trial before the popular assemblies, which had traditionally held this power (Polyb. 6.14.5–6). This practice eventually developed into a system of criminal courts manned initially by judicial panels comprising senators, the first being the extortion court (*quaestio de rebus repetundis*) established in 149. From 123 the composition of these judicial panels, which was fiercely contested between *equites* and senators, alternated between the two groups. Following Sulla’s reforms of 81, the panels reverted to the senators, and in 70, a compromise was reached, after which senators comprised only a third of each judicial panel.

In 121, the senate assumed one of its most potent yet controversial responsibilities when it empowered itself to declare a state of emergency in response to a severe domestic crisis that might endanger the Republic and to instruct the consuls “to see to it that the state

incurs no harm.”¹²³ To remove the impending threat the senate authorized the consuls:

to raise an army, wage war, exert any kind of coercion upon allies and citizens and exercise unlimited command and jurisdiction within and outside the city boundaries; otherwise the consul has none of those powers except by the order of the people.¹²⁴ This extraordinary declaration, entitled *senatus consultum ultimum* (SCU, the senate’s ultimate or last decree),¹²⁵ was, in fact, an admission on the senate’s part that it was unable to handle the situation by using the legitimate tools at its disposal, implying that those who supposedly threatened the state intended to flout the traditional rules of the political game. This decree in effect suspended the basic rights of suspected citizens, such as the right of appeal (*provocatio*) and the right to seek tribunician aid (*auxilium*), depriving them of all legal protection. It enabled the consuls to practice unlimited *imperium* both within and beyond the boundaries of Rome, permitting them to take any measure they deemed fit, including the execution of citizens without trial.

The legality of the SCU was fiercely debated in the last decades of the Republic,¹²⁶ but the senate did not hesitate to use it whenever it felt that its authority was threatened. The first victims of this decree were Gaius Gracchus and three thousand of his supporters, among them a former consul. Lucius Opimius, the consul who carried out the senate’s decree was subsequently indicted, but acquitted.¹²⁷

The Popular Assemblies¹²⁸

Introductory Notes

Polybius (6.14) argued that although the senate controlled matters of great importance, and the consuls held the supreme command, nevertheless, considerable powers were left to the people. They elected magistrates, inflicted punishments, and were the only authority to try capital charges; they had the power to approve or reject laws, to deliberate on questions of war and peace, and to ratify or turn down alliances and treaties. Hence he claims (6.14.12): “one might plausibly say that the people’s share in the government is the greatest, and thus the constitution is a democratic one.” Indeed, the Roman people were the real sovereign, as indicated by a law of the Twelve Tables, which stated that whatever the people decided in their assembly was considered a binding law.¹²⁹

Polybius speaks of the “people” in general as if they exercised their

powers within the framework of a single popular assembly. This is understandable as he would have found it extremely difficult to explain the multiplicity and complexity of the various Roman popular assemblies to his Greek readership. In fact, four assemblies operated simultaneously in Rome, each with its own distinctive powers: the *comitia curiata* (a remnant of the archaic era), the *comitia centuriata*, the *concilium plebis*, and the *comitia tributa* (each of these assemblies will be discussed separately below). Since all popular assemblies, apart from the *comitia curiata*, had the power to elect magistrates, to judge and pass sentence, and to legislate, Polybius probably preferred to ignore the intricacies of Roman popular representation especially as it was irrelevant to his argumentation.

No law stipulated the exact division of powers between the various assemblies; nonetheless, some guidelines were set by the Twelve Tables (9.1–2) which forbade laws of personal exception (*privilegia*) and stipulated that cases involving the death penalty or the loss of citizenship should be decided only by the *comitiatus maximus* (greatest assembly). It is impossible to determine which assembly this term originally referred to, but at least from (and probably before) the third century BCE the title belonged to the centuriate assembly (Cic. *Leg.* 3.44).

Unlike the senate, where each member was allocated one vote, voting in all popular assemblies was based on electoral units, namely, each unit held its own inner elections, and the unit as a whole counted as only one vote in the final tally. The number of electoral units varied according to the respective assembly: thirty (as the number of *curiae*) in the curiate assembly; one hundred and ninety-three (as the total number of centuries) in the centuriate assembly; and thirty-five in each of the two tribal assemblies (as the number of tribes): the *concilium plebis* and the *comitia tributa*.

None of the assemblies could be convened unless summoned by a magistrate of appropriate authority (*ius agendi cum populo* or *ius agendi cum plebe*). Each assembly began its session only after the meeting place had been inaugurated and the gods asked for propitious omens. Unlike the Greeks, who were seated during their assemblies, the Romans remained standing.¹³⁰ Only male citizens participated in the voting, which took place only in the city of Rome, and ordinary citizens had no right to express opinions or reservations or suggest amendments: they ratified or rejected bills that had previously been formulated, most commonly in the senate, elected magistrates from among the slate of candidates put before them, and convicted or acquitted those brought to trial before them. As already stated, the judicial right was gradually taken away from the people when in the second half of the second century BCE permanent courts began to

emerge, where sentencing was carried out by a panel of judges comprising various members of the political and economic elites.¹³¹

The days on which assemblies could be convoked was largely determined by the Roman calendar, which was religious in character. Certain days were exclusively reserved for public religious ceremonies and no other activity was allowed (*dies nefasti*). Other days, free of religious obligations (*dies fasti*), were assigned to legal hearings only, and in 287, a ban on holding public assemblies on market days (*nundinae*) was endorsed. The number of assembly days (*dies comitiales*) could be further reduced by the extension or rescheduling of religious festivals. Consequently, only some one hundred and ninety seven days per year—many of them non-consecutive—were reserved for the purpose of elections or legislation.¹³²

From 98 onwards, the Caecilian Didian law made it compulsory for a period of three Roman weeks—“three *nundinae*” (*trinundinum*) to be observed between the announcement of the voting date and the voting itself. *Nundina*, a market day, is clearly derived from *novem diem*, the ninth day (the seven-day week having not yet been adopted).¹³³ Yet, because the Roman system of counting was inclusive, it actually fell on the eighth day; hence there were seven full days between two *nundinae*. *Trinundinum*, therefore, was a period encompassing three consecutive eight-day periods. Depending on the day on which the declaration was made, a *trinundinum* could be anything between seventeen and twenty-five days.¹³⁴

Prior to the voting, the presiding magistrate held an informal meeting (*contio*), which everyone—including non-citizens, women, and even slaves—could attend. When bills were promulgated, *contiones* were also held during the *trinundinum* preceding the vote, and it was customary for a magistrate who had the authority to convene the people to invite dignitaries of varying views to express their opinion on the topic at hand. During these gatherings the audience could voice its agreement or dissent by cheering or booing. When the assemblies sat in judgment, they held three meetings, which were in fact *contiones*, in which testimonies for and against the accused were heard; the fourth meeting was a formal *comitia* in which the sentence was determined. During elections, no informal meetings were held before the voting, and the various candidates were not invited to speak to the public (p.112), however, a short *contio* seems to have preceded the elections for administrative proposes. Once the *contio* was over, a herald directed voters to report to their respective electoral units by calling out “*ite ad/in suffragium*” (go vote!), or “*discedite quirites*” (disperse, citizens [to your electoral units!]). This turned an informal assembly (*contio*) into an official one (*comitia*), and only citizens—that is, people with the right to vote (*ius suffragii*)—

presented themselves at their respective electoral units.¹³⁵

Once a formal assembly meeting had begun, it could be dispersed and its session postponed to another “assembly day,” if unfavorable omens were sent by the gods (such as thunder or lightning), if a tribune of the *plebs* had exercised his veto, or if the assembly’s voting procedures had not been completed by sunset.

Until 139, Roman citizens gave their votes orally to designated officials (*rogatores*), who noted them on large wax tables. Between 139 and 107, however, a series of ballot laws (*leges tabellariae*) changed the voting in all assemblies and on all matters from an oral to a written ballot, whereby voters inscribed their choices on wax tablets (p.129). When voting on legislation, they inscribed the letter A (for *antiquo*—literally “I maintain things as they are”) to reject the proposed bill, or U (*uti rogas*—literally “as you ask”) to accept it, doubtless echoing the formulas that had been used in oral voting. When voting on the verdict of criminal trials, they inscribed A (*absolvo*) to acquit, or C (*condemno*) to convict. When electing candidates to office, they inscribed the name or names of their preferred candidates (most probably only two, no matter how many office holders a magistracy comprised [p.120]). They placed their marked tablets in urns (*cistae*) watched over by guards known as *custodes*, who were appointed by the presiding magistrate and were also responsible for counting them once the voting had ended (*diribitio*). The assembly’s decision became valid only after the presiding magistrate announced the results of the vote; he thereafter declared the meeting closed and asked the citizens to disperse.

1 The Curiate Assembly (*Comitia Curiata*)

The thirty *curiae*, which were sub-units of the three archaic tribes (p.93), formed the first Roman administrative-military organization. Known as the *comitia curiata*, it served the kings for the purposes of conscription and taxation. The initial curiate assembly was not a proper popular assembly with specific competences, but rather a gathering of citizen-warriors, convened at the behest of an *interrex*, to approve the crowning of the new king—who in fact had already been elected by the senate—by acclamation (*acclamatio*).

In the mid-sixth century BCE, Servius Tullius reorganized Roman society, scrapping the archaic tribal structure. Nonetheless, the veteran assembly continued to function, and the old *curiae*, which in effect ceased to exist, were symbolically represented by thirty lictors.¹³⁶ The assembly served mainly for matters concerning religious issues, such as approving wills, adoption, and approving the choice of the vestal virgins. For these purposes it convened under the

presidency of the *pontifex maximus*—the most senior religious authority. The assembly’s most significant function was to invest the senior magistrates (consuls, praetors, and dictators and consular tribunes) with *imperium* (*lex curiata de imperio*) after their election (or nomination in the case of a dictator). This was a mere formality, since the assembly had no authority to question the election results. The origin of this custom was unclear even to the Romans of the first century BCE,¹³⁷ but a likely explanation is that it echoed the ratification of the choice of king by the thirty archaic *curiae*.

2 The Centuriate Assembly (*Comitia Centuriata*)

With the abolition of the monarchy, the Roman army underwent wide-ranging changes, and the old Servian framework gradually lost its military significance. However, the hierarchical ranking of citizens by wealth was preserved. The Servian military organization developed into a popular assembly, the *comitia centuriata*, and the *centuriae* were transformed from military units into voting units, while the original meaning, “a unit of one hundred men,” lost all connection with the actual number of citizensoldiers registered in each *centuria*. The distribution of the voting power of each group in the new organization, classified by wealth, is summarized in the table below.

The wealthiest classes thus translated their military power into political supremacy. Ancient historians such as Livy and Dionysius of Halicarnassus failed to distinguish between the Servian organizational-military reforms and the political structure that emerged later, and praised Servius Tullius for his insight.¹³⁸ Cicero (*Rep.* 2.39), who was intimately familiar with the workings of the centuriate assembly, aptly summed up the principle underlying the workings of this complex structure: *ne plurimum valeant plurimi* (“that the most numerous shall not count the most”).

Voters in the centuriate assembly voted in descending order of rank and results were announced immediately after each group had voted. Initially, the first *centuria* to vote (*centuria praerogativa*) was drawn by lot from among the eighteen *centuriae* of *equites*; it was followed by the votes of the remaining seventeen equestrian *centuriae* and the eighty *centuriae* of the first class. If these ninety-eight *centuriae* all voted in the same way—as indeed was often the case—there was no point in continuing the vote with the remaining ninety-five *centuriae*, as only a simple majority was required. If votes within the upper groups were split, the voting continued in descending order until a majority (ninety-seven *centuriae*) was reached.

Sometime between 241 and 218, the assembly’s organizational

structure was revised. The meager evidence that has survived reveals nothing about the reasons for the change and does not provide a detailed description of the revised body. All we know is that the number of the equestrian *centuriae* remained the same (eighteen), that the number of the *centuriae* of the first *classis* was reduced from eighty to seventy (thirty-five *iuniores* and thirty-five *seniores*), that the *centuria praerogativa* was now drawn by lot from among the thirty-five *centuriae* of the *iuniores* of the first class, that the eighteen equestrian *centuriae* were no longer the first to vote but voted after the first *classis*, that the *proletarii* continued to be bracketed into a single *centuria*, and that the total number of voting units remained unchanged at one hundred and ninety-three. The *centuriae* of the first *classis* were evidently linked to the tribes, whose number had increased to thirty-five by the year 241 (p.32), and each tribe was hence allotted two *centuriae*— one each for *iuniores* and *seniores*— making a total of thirty-five junior *centuriae* and thirty-five senior ones. Clearly, the votes of the citizens of the second *classis* were now needed to establish a majority, but we have no idea how the ten *centuriae* that were taken away from the first *classis* were distributed between the other *classes*, or whether there, too, the *centuriae* were linked to tribes.

The lack of information about the reform of the centuriate assembly has led to heated debates among modern scholars.¹³⁹ Some believe that it was a democratic reform, since the *centuriae* of the two top echelons (equestrians and first *classis*) no longer had the power to decide the outcome of a vote by themselves. Others, however, rightly point out that no change can be discerned in the assembly's voting patterns, and that the political power basically remained in the hands of the same elite.¹⁴⁰

The centuriate assembly was the most senior popular assembly. It elected censors, consuls, and praetors; as a legislative assembly it could approve or reject laws (*lex pl. leges*) that were binding on the whole people; it was the only body entitled to officially declare war or ratify a peace treaty; and in its judicial function, it was the only assembly entitled to strip an individual of his citizenship, an act that resulted in exile or even a death sentence (p.99).

The centuriate assembly could be convened by any *imperium*-holding magistrate, except for the purpose of electing magistrates, in which case it could be summoned only by a consul, a dictator, or—on rare occasions—by an *interrex*. In accordance with the assembly's origins as a military organization (*exercitus urbanus*), it convened only in the Field of Mars (*campus Martius*), outside the *pomerium*, the sacred precinct of the city that no army could enter. In early periods, while the assembly was in session and the citizens unarmed, a watch was

maintained on the Janiculum, the hill across the Tiber facing the *campus Martius*, to warn the citizens who were busy voting if an enemy approached. A red military flag was flown on the hill as long as there was no danger. When it was lowered to signify an upcoming attack, the citizens were called to arms and the *comitia* in fact dispersed.¹⁴¹

Although the centuriate assembly retained all its powers throughout the Republic, it became less and less involved in legislation once the resolutions of the plebeian assembly assumed a status equal to that of *leges* in 287 (see below). Similarly, its judicial capacity became increasingly irrelevant with the establishment of the various criminal courts. In fact during the late Republic it functioned mostly as an electoral body, voting in the most senior magistrates.

3 The Tribal Assemblies

In Rome there were two popular assemblies whose electoral units comprised the thirty-five tribes: the plebeian assembly (*concilium plebis*), and the tribal assembly (*comitia tributa*). The former was founded in 494, when the plebeians withdrew from the city for the first time, and the latter some two decades later.¹⁴²

Once the struggle between patricians and plebeians had been resolved and in view of the diminishing number of patricians, there ceased to be any substantial difference between the two assemblies in terms of their composition, so that the modern controversy over the question whether or not patricians were allowed to participate in the plebeian assembly is of little significance.¹⁴³ In fact, from the early third century BCE the distinction was entirely legal and the nature of the assembly was determined by the magistrate who presided over it, not by its participants: when it was presided over by a tribune of the *plebs*, it was considered a “plebeian assembly,” but if headed by a consul or a praetor, it counted as a “tribal assembly.”¹⁴⁴ Both assemblies had the authority to legislate, elect officials, and conduct trials whose punishment entailed a fine (*multa*)—but while the plebeian assembly elected only tribunes and plebeian aediles, the tribal assembly elected magistrates of the whole people, that is, curule aediles, quaestors, the various junior magistrates, and extraordinary officials such as land commissioners.

In 287, the *lex Hortensia* made the resolutions of the plebeian assembly (*plebiscita*—sg. *plebiscitum*) binding on the whole people, and thus equivalent to those passed in the centuriate assembly (*leges* sg. *lex*). Subsequently, since its voting method was less cumbersome than that of its centuriate counterpart, and since the ten tribunes were always present in the city, the plebeian assembly became Rome’s

primary legislative body. To meet the new demands of their role, the ten tribunes were granted the right to convene the senate and preside over it. Thereafter, although the powers of the two tribal assemblies to ratify laws and conduct trials were identical, in practice, these domains came within the power of the *concilium plebis* presided over by the tribunes of the *plebs*, while the *comitia tributa* was convened almost exclusively to elect the office-holders under its mandate.

The tribal assemblies had no fixed venue for their sessions, and were convened at various locations within the Forum. From the last decades of the second century BCE—for electoral purposes only—the assemblies began meeting in the *campus Martius*.¹⁴⁵ Contrary to the centuriate assembly, where the wealthier strata of society had more voting units than those of the less well to do, the value of the vote of each tribe was equal; nonetheless, as we shall see, the number of citizens in the different tribes varied considerably (p.128). By custom, lots were cast to determine which of the thirty-one rural tribes would be the first to vote (the four urban tribes were excluded from this process). Once it had voted the results were declared and the rest of the tribes voted in succession. After the tribal assemblies began holding the elections in the *campus Martius*, the tribes voted simultaneously, rather than consecutively as had hitherto been the custom, with the outcome determined and declared once a majority of eighteen tribes had been achieved (p.122).

Law Courts and Trials

The mechanisms of Roman elections—which will be explored in detail in the following part of this book—cannot be fully understood without considering the “judiciary’s” role in politics. Hence, a brief overview of this issue will be given here.

The three distinct forms of government that jointly shaped the Roman “constitution,” and the checks and balances they provided so that no one branch could abuse its power, as delineated by Polybius, do not correspond to the modern notion of “separation of powers” as articulated by Enlightenment French political thinker Montesquieu in the eighteenth century CE. Rome did not maintain a strict separation between the “executive,” “legislative,” and “judicial” branches of government. Nowhere is this more conspicuous than in the “judiciary,” which is often considered the most important of the three independent powers in modern democratic societies.

The distinctions between private and public, civil and criminal law in republican Rome were different from those observed today. Certain aspects of the “judiciary,” for example, comprised an integral part of the powers of the magistrates, such as praetors, aediles, and other,

junior magistracies.¹⁴⁶ The senate, too, had legal powers as it held jurisdiction over Italy in cases of treason, conspiracy, poisoning, and assassination (Polyb. 6.13.4). However, in cases of serious crimes whose repercussions affected the state or the community as a whole, and which usually involved magistrates or promagistrates accused of having endangered the Roman people or blatantly acted against its interests, the supreme judicial authority lay—at least until the middle of the second century BCE—with the people (*iudicia populi*).¹⁴⁷

Rome had no official public prosecutor, but the role was assumed by the tribunes of the *plebs*, who performed this function throughout the third and most of the second centuries BCE.¹⁴⁸ Since prior to the establishment of the criminal courts there were no statutes setting out precisely the various types of felonies and their associated penalties, it was the tribunes who decided on the charges to be brought against any given defendant. To be more precise, they determined the penalty to be imposed for the committed felony—either a heavy fine (*multa*) or a capital charge (*de re capitali*) for a crime of *perduellio* (a somewhat vague term denoting an act causing grave harm to the state or high treason), which could result in the loss of citizenship and a death sentence. In effect, trials before the popular assemblies were appeal proceedings instigated by the defendant against the penalty proposed by the prosecuting tribune: when the penalty in question was a fine, the hearings were conducted before the plebeian assembly headed by a tribune; when it involved a capital charge, tribunes referred the matter to the urban praetor, asking him to convene the *comitia centuriata*, the only assembly empowered to judge such cases.¹⁴⁹

Once the required penalty had been established, a day for the first session (out of four) was fixed (*diem dicere*). The first three meetings were in fact informal sessions (*contiones*), in which the main charges were presented by the presiding magistrate, questioning conducted, and witnesses called to testify for or against the accused. These sessions could not take place on consecutive days, and at least one day of recess was required between sittings. The hearings—conducted in the Forum, under the open sky—were the focus of much curiosity and attracted large crowds. Testimonies were occasionally particularly dramatic, sparking uproar among the onlookers, which in more than one instance influenced the verdicts—usually not in the defendant's favor. The verdict was delivered only in the fourth session, which unlike the other three was considered a proper assembly (*comitia*), and held only after a *trinundinum* (p.92) had elapsed since its announcement. At this session, held on a day designated by the calendar for legal activity, only a vote was held to decide the fate of the accused. Defendants found guilty by the plebeian assembly were required to pay the monetary fine set by the prosecuting tribune;

those found guilty by the centuriate assembly had their citizenship revoked and were therefore liable for execution.

The link between the severity of the crime and the proposed punishment was not always obvious. On occasion—if the prosecuting tribune came to the conclusion during one of the first three sessions that the crime was more serious than first thought and therefore warranted a more severe penalty than a fine—he asked the city praetor to convene the centuriate assembly (since he himself was not authorized to do so), who then set a date for a new trial.

Perduellio trials always involved members of the elite and these were allowed to evade conviction by means of voluntary exile, as described by Polybius (6.14.7–8):

As regards the latter [capital charges] they have a practice which is praiseworthy and should be commended. Their usage allows those on trial for their lives when they are in the process of being condemned liberty to depart openly, thus inflicting voluntary exile on themselves, if even only one of the tribes that pronounces the verdict has not yet voted. Such exiles enjoy safety in the territories of Naples, Praeneste, Tibur and other allied states.¹⁵⁰

Such exiles lost their Roman citizenship and became citizens of their town of refuge, but their assets were not confiscated, and they or their family could continue to hold them.¹⁵¹

In the second century BCE, Roman expansion overseas resulted in a growing number of complaints against Roman governors who abused their powers in their provinces. The senate took a dim view of this growing trend of litigation, which meant that its members were being repeatedly hauled for trial in front of the people, whom they did not regard as competent for this task, particularly given the changing composition of the urban population at the time and the complexity of the issues at hand. Accordingly, it began entrusting the investigation to specially appointed courts (*quaestiones extraordinariae*), which were established on an *ad hoc* basis, with a judicial panel made up of senators. Although little is known about these procedures, it is notable that most of those brought before them—of whom there were not many—were acquitted.¹⁵²

In 149, the right to try commanders who abused their power in their provinces was officially taken away from the popular assemblies. The *lex Calpurnia*, introduced by the tribune of the *plebs* Gaius Calpurnius, established the first permanent law court (*quaestio perpetua*) for the specific purpose of hearing cases of extortion and mistreatment of local populations overseas (*quaestio de rebus repetundis*). It was to be presided over by the *praetor peregrinus*, whose responsibilities were purely administrative as the sentencing itself was

determined by a panel of judges (*iudices*) chosen from among the senators. Verdicts of this judicial authority were not subject to appeal, but the statutory penalties were left undefined and usually amounted to restitution or compensation. In a dramatic initiative in 123, Gaius Gracchus not only established higher and statutory penalties for those convicted of provincial exploitation, but he also debarred senators from the judicial panels, which were hence composed of *iudices* chosen from among the *equites* (p.50). This act sparked a struggle over the composition of the law courts' judicial panels that became one of the most controversial issues that agitated political life in Rome over the next fifty years.¹⁵³

From the meager and fragmented evidence that has survived from the latter half of the second century BCE, it seems that the trend of steadily divesting the popular assemblies of their judicial authority continued. Accordingly, it seems that other specially designated and permanent criminal courts, about which we know very little, were established to assume responsibility for investigating alleged criminal conduct affecting the welfare of the state. In 81, as part of Sulla's comprehensive constitutional reforms, the criminal judiciary was thoroughly overhauled. Although we cannot say for certain which permanent criminal law courts were established by Sulla and which had already been in place, it is reasonable to assume that alongside the newly established courts, he also institutionalized and sanctioned by statutes certain frameworks that had come into being since the first permanent law court had been set in 149.

In all, seven permanent law courts (*quaestiones perpetuae*) were established, each headed by a praetor. Each of the law courts dealt with a particular type of offense and was regulated by its own statute, which also specified the relevant legal procedures, the number of judges, the statutory penalty for conviction, and the method of its execution.¹⁵⁴ The verdicts of these courts were not subject to appeal. While officially the ancient custom of conducting trials before the people was not abolished, once these permanent criminal courts were established, it was only rarely employed.¹⁵⁵

Sulla's intention was that the judges for the newly established courts were to be recruited from among the senators, whose number was increased for this purpose to 600. If Sulla had hoped that he would thus put an end to the ongoing conflict over the composition of the judicial panels, he was proved wrong. The issue continued to be contentious, and the dispute raged on until it was finally resolved in 70, when the Aurelian law (*lex Aurelia*) ruled that judicial panels would henceforth comprise, in equal parts, senators, *equites*, and aerarian tribunes (*tribuni aerarii*). These panels were not permanent, but assembled from each group anew before every trial.

As already mentioned, during earlier periods it was the tribunes of the *plebs* who acted as public prosecutors. After Sulla's reform, any citizen (who was not necessarily the victim of the alleged offense) could press charges. The praetor heading the relevant law court would receive information or a complaint from a private individual and—after verifying that it had merit—he would set a trial date and put together a judicial panel (*consilium*) comprising some fifty to seventy-five members, depending on the law court in question; after 70, their composition followed the ruling of the *lex Aurelia*. At this point, both plaintiff and defendant were entitled to challenge the appointment of between three to six judges each, if they had reason to believe that they were biased. Once this had been done and other judges appointed in their place, the selected panel was sworn in and the trial began.¹⁵⁶

After the charges had been read out by the praetor, the trial was effectively controlled by the plaintiff, who acted as prosecutor and was solely responsible for proving that the defendant had indeed committed a crime. To persuade the judges of the defendant's guilt, he called upon and questioned witnesses, presented various pieces of evidence, and even delivered an opening and closing speech. The defendant, for his part, was not defenseless; quite the contrary, in addition to being able to challenge panel members whom he considered to be particularly hostile, he was also allowed to appoint a number of defense counselors, at times as many as six, to cross-examine the prosecution witnesses. The trial thus proceeded as a sequence of questionings and cross-examinations, much like modern trials, including sharp exchanges of the sort reflected in the forensic speeches made by Cicero in his capacity of defense counsel or counsel for the prosecution.

The judges—who were not replaced even if the trial went on for weeks or even months—were forbidden to confer with each other. When hearings were over, they merely marked their decision on small wax-covered tablets, each of which featured the letter A (*absolvo*—"I acquit") on one side, and C (*condemno*—"I condemn") on the other: a guilty verdict was indicated by crossing out the A; acquittal by crossing out the C. Each of the judges then clasped his tablet tightly in his hand to prevent onlookers from seeing his vote, and cast it into the voting urn with his arm extended and bare (to show that he was not casting more than one).¹⁵⁷ The outcome—conviction or acquittal—was determined by a simple majority, with a tie counting as an acquittal. If a significant number of judges abstained from giving their verdict (by crossing out the letters on both sides of the tablet), the defendant was entitled to a retrial.

After the vote, the presiding praetor announced the judges' decision. If it was a guilty verdict, he did not pass a sentence of his own

choosing but announced the penalty prescribed by law (*poena legis*). If the penalty in question was a fine, the judges determined the amount. Where the law stipulated monetary compensation, the judicial panel estimated the damage caused to the plaintiff, and the chairman was responsible for ensuring that payment was made. If the prescribed penalty was exile (*aquae et ignis interdictio*),¹⁵⁸ those convicted, usually prominent individuals, left for various allied cities in Greece or to Massilia (modern Marseille).

The courts were not housed in permanent buildings, in fact, trials could conceivably be conducted almost anywhere within city boundaries (on days allowed by the calendar). In Cicero's time, trials were held at fixed venues, especially the Forum. Hearings were held in the open, and when the weather precluded this, they were moved into one of the basilicas. The requisite props were few and simple: a raised podium for the court president and stepped benches for the judges. Trials went on for days, sometimes even weeks and months, and would draw crowds, especially when a juicy political affair was involved, featuring well-known figures or famous orators. A speaker's popularity was evident by the number of people crowding around the podium. There was no law that prevented holding several trials in tandem, and indeed on some days the entire Forum was alive with legal hearings.

Given their intensity and continuous drama, the nature of the issues discussed and the stature of those involved, the permanent law courts were often the scene of some of the liveliest and most vigorous political brawling of the late republican era. Freedom of speech was absolute, and legal counsels on both sides delivered eloquent speeches in dogged pursuit of a conviction or acquittal for the defendant, for which purpose all means were fair. The individuals involved were alternately lionized and vilified. Speakers did not flinch from making highly meaningful insinuations or from outright distortion of facts. Truth and lies intermingled freely, and the defendant's life was laid bare for all to see. Nothing was considered sacred—including his drinking habits or sexual preferences—even if it had nothing to do with the details of the charges. Not surprisingly, therefore, the court arena became the preferred method of eliminating political rivals or potential co-contentders for office and a platform for promoting personal or other interests and political agendas.

In Rome there was no legal profession as such. The art of rhetoric was an integral part of the education of every well-born young man raised for public life. According to a law (*lex Cincia*), enacted as early as 204, speakers acting as defense counsels (*patroni*) were prohibited from charging money or receiving gifts for the legal help that they provided (p.40). However, in practice, satisfied clients always found

indirect ways of expressing their gratitude and rewarding those who saved them from conviction and its consequences. Cicero, for example, received a loan from Publius Cornelius Sulla, whom he had defended successfully, which allowed him to buy a house on the Palatine Hill.¹⁵⁹ Generally speaking, defendants who had been acquitted felt a moral obligation to help their defense counsel and to support him politically as and when needed, especially in elections.¹⁶⁰

By their very definition, the criminal courts dealt with matters pertaining to the activities of former and incumbent magistrates and other members of the Roman elite. Consequently—as evident from the sources of that period and especially from the writings of Cicero—the plaintiffs, defendants, and defense counsels all belonged to the political class, or were closely associated with it. The plaintiffs' motives were many and varied, but the sources that have survived indicate that a significant number of legal actions were launched not in pursuit of justice or in the interests of the state and civic society, but for personal and political motives.¹⁶¹ Past and present public officials used litigation as a means of dealing with political adversaries — out of revenge, to sully a rival's name, to remove him completely from the political arena or to block his path to a certain post, or possibly even to seize a position to which the rival had been elected prior to the conviction (as, for example, in the case of the consuls for the year 65).¹⁶²

The plaintiffs often included upper-class young men at the start of their political careers seeking to prove their rhetorical abilities and to win fame by suing more senior figures. Thus, in 77, Julius Caesar—then only twenty-three—sued Gnaeus Cornelius Dolabella on charges of extortion in the province of Cilicia in southern Asia Minor, where Dolabella had served as proconsul three years earlier; Dolabella was acquitted.¹⁶³ Cicero, too, boosted his political career as a law court orator, making his name there and rising to fame after successfully defending Sextus Roscius of Ameria, who was accused of murder by one of Sulla's henchmen.¹⁶⁴ Indeed, anyone seeking to forge a political career could find no better venue to show off his rhetorical abilities and skills and to win popularity.

The law courts' judicial panels were representative cross-sections of the political, social, and economic elites who formed part of the upper echelons of the centuriate assembly, which, as we have seen, elected the most senior public officials. People who gathered to hear the trials certainly also included citizens who had taken part as voters in the tribal popular assemblies that elected the more junior public officials. If successful in their litigation, career-minded speakers won recognition and fame which were instrumental for their prospective political careers. On the advantages that a young man might obtain

from appearances at the law courts, Cicero (*Off.* 2.49) wrote:

But while there are occasions of many kinds that call for eloquence, and while many young men in our republic have obtained distinction by their speeches before the judges [at the courts] the people and the senate, yet it is the speeches before the courts that are most admired.

In the absence of a public prosecutor, the initiative for legal action, as already mentioned, lay with private individuals, a fact that undoubtedly encouraged litigation out of selfish motives or pure greed. Although the law establishing each court had built-in deterrents against abuse of the system and frivolous indictments—every plaintiff knew that if he failed he risked being counter-sued and losing both his good name and even his assets—in practice the system was open to misuse and the risks and drawbacks paled at times before the potential rewards.¹⁶⁵

Another problem that plagued the judiciary was bribery. Rome was not unique in this regard. In ancient Athens, for example, an attempt was made to eliminate this problem by substantially increasing the size of the judicial panel—so that no one would be able to afford to attempt to influence the outcome through bribery—and by stipulating that legal proceedings be completed in a single day, in the hope that there would not be sufficient time to offer bribes. In Rome, however, everyone knew the comparatively few prospective judges (fifty to seventy-five, not all of whom had to be bribed, but just enough to reach a majority),¹⁶⁶ while trials could go on for several months, making it easy to curry favor with the judges and offer them handsome bribes. The assumption that the judges were wealthy people and were therefore immune to bribery proved as baseless then as it is now (p.143). To make matters worse, the clauses in the statutes concerning the bribing of judges had been drawn up at a time when the judicial panel comprised senators only.¹⁶⁷ It had no bearing, therefore, upon judges who were drawn from the *equites* or the *tribuni aerarii*—who after the enactment of the Aurelian law in 70, comprised two-thirds of every judicial panel—and who therefore could not even be indicted on such charges. All attempts to rectify this glaring loophole in the law met with stubborn resistance and were ultimately defeated.¹⁶⁸

The system was undoubtedly defective and problematic even in the eyes of contemporary Romans, who believed that it should be fixed. Cicero, for example, who had a close and intimate acquaintance with the law courts, glossed over them entirely in his essay *On the Laws*—proposing instead a return to trial by popular assemblies (*iudicia populi*) (p.104). His contemporary—the anonymous author of the

letter allegedly written by the historian Sallust to Julius Caesar—similarly expressed great disgust at the plague of bribery that had spread among the judges, and proposed an Athenian-style solution of increasing the size of the judicial panels in the courts, on the assumption that there was a financial limit to the number of people who could be bribed.¹⁶⁹

4 Elections

Introductory Notes

Elections are the supreme manifestation of the people's sovereignty in modern democratic regimes. On given dates, at regular intervals, as prescribed by law, by various methods and by peaceful means, the voting public casts its votes and determines who will represent the people in the legislative body; or, through direct elections, it votes for the executive body as well. The system presupposes the existence of an alternative to the current government in power, as well as ideological and political pluralism, and conditions conducive to voting whilst maintaining well-defined principles such as universal suffrage, equality of vote, and secrecy. When these conditions are met, elections represent a means of oversight and control through which the entire voting public can express its satisfaction or dissatisfaction with the incumbent leadership and either grant it a further term in office or hold it accountable for its performance in government and replace it by majority vote.

However, not every state that holds elections at regular intervals is necessarily a proper democracy. Electoral practices may be present but the substance missing. States where there is no alternative to the government, for example—due to an outright prohibition of such, or because of threats and intimidation—are non-democratic, as are those where the presence of an alternative is forbidden and the leadership or rulers are elected on each occasion by a majority of 99% of the votes. The same is true of countries where not all citizens are entitled to take part in the elections, or where the elections are subject to fraud, or where there are no mechanisms or ethos to prevent certain elements from seizing power by force, thereby rendering the election results meaningless.

Elections were one of the cornerstones of Roman republican government. With the exception of the dictators, and that of their second in command (master of the horse)—who were both appointed for short and prescribed periods and only during times of emergency—all other office-holders of both high and low rank were elected annually by the citizens of Rome in direct elections (except for the censors who were elected every five years). In the early days of the Republic, the two consuls were the only two elected magistracies; in its final decades, however, there were forty-four elected senior office-

holders.

Does this allow us to classify the republican regime as democratic? Can one assess the role that elections played in ancient Rome by modern standards? It seems not. Rome was neither a direct nor an indirect democracy, and had no such pretensions. It had no elected legislative assembly composed of the people's representatives, and no ideological political parties that competed for power. The voters did not choose between a failed leader and a successful one, or between one political platform and another, but between candidates who were all drawn from a select group within the citizenry which held the exclusive right to compete for the various positions (*ius honorum*) in line with a set of rules established over the years by both tradition and legislation. Other limitations, sanctioned by law, prohibited the electorate from giving its vote repeatedly to the same leaders, and in fact, it was required to vote each year for different individuals for any given magistracy.

Despite the difficulties in examining Roman elections according to modern-day principles, it is nonetheless possible and useful to draw on contemporary concepts of elections in order to present a clearer picture of the republican government.

1 Preliminary Procedures

Although elections played a central role in the political life of the Roman Republic and were held every year for almost half a millennium, the ancient sources are practically silent about their procedures. The accounts put together by modern scholars are almost all drawn from partial and meager evidence, mostly from the late Republic and early Empire, that has been preserved in the ancient literary sources, and from a small number of coins, some archeological remains, and several statutes. The picture is thus far from complete, and it is not always possible to track the changes and transformations that occurred in the electoral procedures over nearly five hundred years.

Unlike voting on laws, which took place all year round, as and when needed, elections for the various magistracies were usually held on fixed dates every year, and following Sulla's reforms, during the month of July. The process began with the proclamation of an official edict by the magistrate in charge of holding the elections, who announced the elections' date at an unofficial public assembly (*contio*). It is unclear whether the names of the various candidates were indeed indicated in the official proclamation (see below). The public announcement was then published in writing on a tablet of whitened wood (*album*).

Election dates could not be set without taking into account the calendar, which was religious in nature, and relevant laws. Elections could be conducted only on days that were not reserved for religious ceremonies or legal dealings (*dies comitiales*), and from 98 the Caecilian Didian law made it compulsory to observe an interlude of a certain length—a *trinundinum*— between the announcement of the elections' date and the day on which they were held (between seventeen and twenty-five days, p.92).

It was not always possible to complete the electoral process in a single day. Inauspicious omens occasionally prevented the holding of elections on the prescribed date or brought them to a halt after they had begun, and in sharply contested elections involving a large number of elected office-holders (twenty quaestors for example), the process could not be completed before sunset when all official business ceased. In the last decades of the Republic violence often obstructed normal electoral procedures. To prevent having to start the whole process all over again, that is, to make a new announcement and wait for another *trinundinum* to pass (especially since it was forbidden to hold more than one electoral process on the same day), the magistrates in charge probably forestalled such a possibility by reserving several consecutive *dies comitiales* for the electoral process in their original edict.¹

2 Candidature (*Professio*)

Those who chose to embark on a public career had to meet a number of preconditions, the first two being a property assessment befitting an *eques* and ten years of military service (or ten campaigns).² A prospective candidate also had to demonstrate an unblemished record, non servile origin back to three generations at least and that he was not subject to any pending legal proceedings. From 180, a precise sequential order of public offices—the *cursus honorum*—was prescribed (redefined by Sulla in 81), along with a minimal age for each office (p.83).

To be included in the official list of candidates, a contender had to submit his candidacy (*professio*) to the relevant prospective presiding magistrate, but it is unclear when exactly he had to do this. There are instances from which we learn that candidates could submit their names at the very last moment, just before the beginning of the actual electoral process, but during the first century BCE more orderly procedures were set down. It may well be that in compliance with the Caecilian Didian law of 98, candidates had to declare their intention to run for office immediately after the elections had been officially announced in order to allow for the required *trinundinum* between the

official declaration and the election itself. Although there is no evidence to resolve this issue unequivocally, it is clear that in the first century BCE candidacy had to be announced before a set date, and the prospective candidate had to do this in person and in Rome. Undoubtedly, however, by Cicero's time, and most likely in earlier periods as well, the official submission of candidacy was merely the final, formal act in a campaign that had begun long before (see below). In most cases the candidates stated their intention to run for office and launched their electoral campaign (*petitio*) well in advance of the official announcement. Cicero, for example, made it known that he would run for the consulate of 63 in July 65, immediately after the consuls for 64 had been declared.³ Nor was he the only one to do so. Other contenders also declared their intention to run for the consulate of 63, although not all of them did eventually present their candidacy.

Once the candidates had officially submitted their candidacy, the magistrate appointed to preside over the elections checked their eligibility, in accordance with the aforementioned criteria. A candidate could be disqualified only for due cause. Only after an applicant had persuaded the magistrate that he met all the conditions prescribed by law and custom was he added to the official list of contenders for that position. Once the list was closed, it was not subject to change, and only listed candidates were allowed to stand for election. If votes were cast for a non-approved candidate, they were discarded.

3 Electioneering (*Petitio*)

Much of our knowledge about electioneering in late republican Rome comes from a memorandum—purportedly sent by Quintus Tullius Cicero to his brother Marcus in 64 while the latter was canvassing for the consulate—containing advice on how to run an efficient and flawless electoral campaign. Both the authenticity of the memorandum (commonly entitled *Commentariolum Petitionis* [A Handbook on Electioneering]) and its authorship have been heatedly debated for over a century without definite conclusions, with the burden of proof falling upon those defending the work's authenticity and its authorship.⁴ In 1973—exactly one hundred years after the scholarly dispute first erupted—a group of French scholars set out to examine whether they could rule definitively in favor of one side or the other. After an exhaustive analytical review of dozens of learned articles on the subject, they concluded that while the matter could not be resolved unequivocally one way or the other, the question of authenticity was of lesser importance than the question whether the content of the work was credible. To this end they examined the most

comprehensive, detailed and cogent case against the *Handbook's* authenticity published in 1950 by M. I. Henderson. She claimed (based on historical, stylistic and linguistic analysis) that the *Handbook* had been composed by an anonymous author in the first century CE, either as a deliberate forgery or as a piece of *prosopopoeia*—a rhetorical-literary genre fashionable at that time, in which the author posed as a historical figure and wrote in his name. The French scholars approached the problem from a new angle—by examining the identity of the twenty-six individuals mentioned in the *Handbook*. Some of the figures, such as Pompey or Antonius and Catiline (Cicero's rivals in the consular elections), they claim, were evidently well known. A writer in the first century CE would have had little difficulty tracing the actions of these individuals or their links to Cicero; however, it is far less probable that he would have been able to do the same with regard to the more minor figures who appear in the *Handbook*, who were most likely known only to their contemporaries. After a painstaking and detailed analysis of these individuals, the French researchers showed that these otherwise unknown figures were indeed real people who lived and operated in the 60s of the first century BCE, and that the contexts in which they are cited are both sound and credible. In summary, they concluded that while one cannot categorically proclaim Quintus Cicero to be the author of the *Handbook*, it was clearly the work of a contemporary and not of someone writing a hundred years later, a conclusion with which I fully agree.⁵

Other scholars, who doubt the *Handbook's* authenticity, have asked why it was written at all as it contained nothing that was not already known to any public figure of the period. Did Cicero—a veteran of three prior election campaigns—really need advice from his brother Quintus, who was both younger and less experienced? Besides, they have argued, if Quintus really did want to give Marcus advice, he could have done so in person, since he was in Rome at that time, and the two brothers most likely met very frequently during the campaign. However some letters of a similar nature were composed about the same time. In 70, in preparation for his forthcoming (first) term in office as consul, Pompey—who had never held any public office before and was therefore not a member of the senate (p.18)—asked his learned friend Marcus Terentius Varro to draw up a guide on senatorial procedures and advise him on how to conduct himself *vis-à-vis* this prestigious body. Although the letter itself has not survived, its salient points were preserved in the work of the second century CE writer Aulus Gellius (14.7), and it seems that Varro had nothing new to say: the letter appears to have listed traditional and ancient senatorial procedures, which were broadly familiar to every member

of the political elite of that time and were definitely not new to Pompey. One must assume, therefore, that Pompey's appeal to Varro was nothing more than a declaration of intent for appearances' sake, designed to reassure senators that, notwithstanding the unconventional manner in which he had reached the consulship, as consul he would abide by tradition and the law.

Another such "advisory" letter was written by Cicero himself to his brother Quintus at the end of 60, while the latter was serving as *propraetor* in the province of Asia. It details in general terms but at some length the duties and functions of a Roman governor. Halfway through the letter, however, Cicero pauses to point out: "I have not written these things to serve you as a guide, for you are sensible enough not to need such general counsel."⁶ The very act of writing, he says, gave him much pleasure because as he listed the attributes of an ideal governor, he was reminded of Quintus' own virtues (who of course met Cicero's criteria).

Both Varro's letter to Pompey and that of Cicero to his brother Quintus are examples of the literary genre of a "handbook-in-a-letter" that had been common in Greece as early as the third century BCE, and which—if these examples are anything to go by—appears to have spread to Rome two centuries later. It may well be, therefore, that the *Handbook on Electioneering* also belonged to this genre. It is in keeping with both the time and the place of its purported composition, and presents an accurate picture of Rome in 64 as known to us from other sources of that period. It is therefore invaluable as contemporary testimony providing a unique peek behind the doors of a vital and dynamic consular elections campaign in the late republican period, as witnessed by a keen observer who played a central part in it. It is quite plausible that Cicero's brother, Quintus, who coordinated Cicero's campaign, composed this memorandum to convey the complex electoral strategy to the various activists who were to promote Cicero's candidacy among the different electoral groups to which the *Handbook* refers. It should be remembered, however, that the strategy devised in the memorandum was tailored to Cicero's particular needs as a new man (*novus homo*), and it is not self-evident that candidates who came from consular families, "consuls from birth," as Cicero put it, ran their campaign in an identical manner.⁷

In modern terms, the memorandum bears a striking resemblance to a well-planned action program that the candidate's political consultants present to a campaign manager after conducting comprehensive field research. Like a modern campaign plan it draws up a strategy designed to win an election. It contains a general evaluation of the candidate's instantly recognizable merits, explains how to build his public image (which does not necessarily correspond

to his real personality), calculates his chances against those of his rivals; shows how to play down and conceal the candidate's weak points while exaggerating and attacking those of his rivals; it pinpoints potential supporters from more influential groups and from all layers of society and explains how to assure their collaboration, good-will, and votes; it considers the tactics that might help in winning over undecided voters, and stresses the importance of volunteer activists "loyal to the cause," whose main task is to promote the candidate's public image and reputation.

Two "modern" features, however, are blatantly missing from the *Handbook*: a financial program and a political or ideological platform. Nowadays, election campaigns are increasingly expensive and candidates are constantly on the lookout for potential donors. Financial support is usually offered by individuals and groups that share the candidate's views and back his candidacy. The sources of the funds, the amounts that may be accepted and the lack of equal resources present potential threats to electoral integrity. To ensure honest campaigns, to prevent interest groups from donating money in expectation of favoritism, and to ensure fair competition, laws and regulations are enacted to limit donations and require candidates to disclose publicly the sources of their funding and to ensure that contributions follow acceptable rules and are not improper or corrupt. Nonetheless, electoral fundraising and the sources of donations remain in the grey area.

Electoral campaigns were extremely expensive in Rome as well, especially in the highly competitive elections of the late Republic, and candidates drew on their own fortunes, depended on the help of their friends, and, if necessary, took loans which led in many cases to heavy debts. Yet "fundraising" was never monitored by the state, the identity of the donors and their interests was of no particular public concern and the idea of favoritism was quite normative. In short, it did not constitute a moral issue as it does today. Nonetheless, the state intervened vigorously although indirectly in electoral expenditure. Sumptuary laws were enacted to curb luxurious entertainment and set limits to the number of guests and the sums spent on food, and laws concerning electoral abuse attempted to supervise costly canvassing practices which became even more expensive when abused (this will be discussed in detail below).

Not only is an ideological platform or a political agenda missing in the *Handbook*, but Cicero is strongly advised not to discuss state affairs throughout his campaign (*Comment. Pet.* 53). The central issue in a Roman campaign was the candidate's personality, or rather the public image that he wished to project, and his status and connections. Thus Cicero is advised to assume a personality that would disguise his

“natural self” for the duration of the electoral campaign (*Comment. Pet.* 1) and to display famous supporters. Nonetheless, candidates, especially for the tribunate of the *plebs*, sometimes advocated certain policies pertaining to ad hoc problems. Both the Gracchi seem to have advertised their legislative initiatives while campaigning for the tribunate of 133 and 123 respectively. Occasionally military issues stood at the center of consular elections. When Publius Cornelius Scipio, later known as Africanus, ran for the consulship of 205, he promised to put an end to the protracted Second Punic War by transferring the war to Africa in order to compel Hannibal to leave Italy and come to Carthage’s assistance. Scipio Aemilianus was elected to a second consulship in 134, regardless of a law that forbade a second term in office, in order to put down the revolts in Spain, and Marius was elected consul for 107 after a very short electoral campaign to bring a quick and successful end to the war against Jugurtha in Africa and then for five consecutive consulates to deal with the Germanic tribes. These cases were probably not unique, but most commonly the central issue of an electoral campaign—especially after 81 when the consuls remained in Rome during their year in office—was the candidate’s personality or rather his public image and his social and political status.

How did candidates advertise themselves in a world that lacked mass media?⁸ A consular candidate was already a seasoned canvasser who had already conducted several electoral campaigns and was doubtless already known to the voting public. An aspiring young Roman politician took care to introduce himself to the public even before embarking on an official political career, usually by suing senior politicians in the law courts (p.103). During an aedilate, which most politicians held even though it was not officially required by the *cursus honorum*, the incumbent officers attempted to organize splendid games in the hope of building support and paving the way to higher offices. During the late Republic all praetors stayed in Rome and presided over the criminal courts, which were held outdoors and were open to the general public, so that when a candidate competed for the consulate, he had at least twelve (and often many more) years behind him during which he had been exposed to the public eye in Rome and at least made his name known. Since there were no visual means for broadcasting the candidates’ image to make them recognizable, candidates wore a whitened toga (*toga candida*, hence the word *candidatus*). To publicize their candidacy and promote it, they were advised to walk down to the Forum, on a daily basis if possible, accompanied by a large retinue of followers, who probably announced the name of the candidate as they walked. Upon arrival, he was often greeted by another (often prearranged) group of supporters, thus

creating an image of strength, prestige and great popularity (*Comment. Pet.* 36 [and below]). In the Forum, the candidate shook hands with potential voters some of whom he was able to address by name, whispered to him by a slave (*nomenclator*) whose duty it was to memorize the names of as many potential voters as possible, since “nothing is more popular or gratifying” (*Comment. Pet.* 42). Flattery was indispensable; to ingratiate himself with his potential voters a candidate was advised to adapt his facial expression so as to humor the inclinations of the people he met (*Comment. Pet.* 34).

Candidates could not hold big political rallies as they do nowadays since the magistrates, who had the legal right to assemble large crowds, did not convoke *contiones* in which the various contenders for office were invited to present themselves to the people. In the absence of public venues, private substitutes were devised to enable those standing for office to promote their candidacy and to solicit votes, most commonly banquets hosted by the candidate or his friends, which were probably not unlike modern “political house parties.” Candidates also gave shows and provided tickets for gladiatorial games. These practices, however, were often abused and were subject to legislation which tried to curb them (see below). Candidates also offered to render services (mainly legal) or made promises to that effect which they did not always intend to keep (*Comment. Pet.* 45).

Publicity was of major importance, yet in the absence of professional PR agents, it was the role of the candidate’s friends (*amici*) and acquaintances to publicize those attributes which would be the most favorable to his cause. In Cicero’s case (since he had no illustrious ancestors to boast about), efforts were directed at lauding his fame as an orator and emphasizing that the *publicani* and the *ordo equester* supported him, that he had the good will of the *nobiles*, that young men (of the upper classes) gathered around him, that he was attended by many clients whom he had defended in court and that many people from the Italian *municipia* had come to show their support—all this “so that they say and believe that you know people well, solicit them courteously, and canvass continuously and thoroughly, are a gracious and a generous person” (*Comment. Pet.* 50). The candidate’s household slaves who gossiped about their master, presumably with slaves of other households, were also PR agents “for the talk which makes one’s public reputation generally emanates from sources in one’s own household” (*Comment. Pet.* 17).

Just like their modern counterparts, Roman candidates sought the active or passive backing of dignitaries and well-known and esteemed public figures. These usually came from family, friends, political allies, and those whom a candidate had successfully defended in court (*Comment. Pet.* 20). Candidates who were scions to consular families

called to their illustrious ancestors when canvassing, implying that the mere fact of being their descendents would ensure that they would be no less competent if elected.⁹ Talented “new men,” like Marius and Cicero, who could only rely on their personal virtues and achievements, bitterly complained about the enormous efforts that they had to invest in promoting their career while others were consuls from their cradle, regardless of their abilities. Marius, who was to be elected to the consulate seven times, articulated his frustration immediately upon being elected consul for the first time:

I cannot . . . display family portraits (*imagines*) or the triumphs and consulships of my forefathers; but if occasion requires, I can show spears, a banner, trappings and other military awards, as well as scars on my breast. These are my portraits, these are my patent of nobility, not left me by inheritance as theirs were, but won by my own innumerable efforts and perils. (Sall. *Jug.* 85.29–30)

But status, family ties and friends were not sufficient to win an electoral race, especially in the late Republic. To be successful, candidates needed to draw up a methodical campaign strategy designed to obtain the greatest number of votes. In Rome, however, the main goal was not to get as many individual votes as possible but, due to the particular structure of the Roman electoral assemblies, to rally the necessary number of voting units that secured election: ninety-seven of the one hundred and ninety-three *centuriae* or eighteen of the thirty-five tribes. This dictated a focused rather than a broad-spectrum campaign—that is, soliciting the votes of the various units in accordance with their electoral weight regardless of the number of voters within. Thus, for example, Cicero is advised to specifically court the eighteen equestrian *centuriae* (*Comment. Pet.* 6; 33) whose vote was of great significance and prestige and comprised relatively few young *nobiles*.

Cicero’s meticulously organized campaign had to take into account two major obstacles: that he was a *novus homo* and the fact that his co-contenders Antonius and Catiline had struck a deal (see below), campaigned together, and did everything within their power to thwart his election. Hence he could not leave anything to chance. In consular elections the contest was usually decided after the second *census classis* centuries had voted; in deeply divided elections, as those for the consulate of 63 threatened to be, it was possible (albeit rare) for one or more of the contestants not to attain the required majority (ninety-seven *centuriae*) after the second *census classis* had voted, so that the votes of the centuries of the third (and perhaps) lower *census* classes were needed to decide the final results. In preparation for such a (highly theoretical) possibility, Cicero is advised not to ignore even

freedmen (*Comment. Pet.*

29), perhaps not as potential voters, but as agents who could talk highly of him to their masters who were registered in the classes that held a high voting value.

The *Handbook* also highlights the connection between territorial divisions and voting units and their electoral significance, the value of social and religious organizations and the importance of the Italian vote, a new factor in Roman politics since 70 (p.35). Thus Cicero is reminded of the importance of courting each of the tribes (*Comment. Pet.* 33) and is encouraged to introduce himself to the leaders of the *vici* and *pagi* (p.35) in Rome in the hope that they will induce the members of their districts to vote for him, to seek the support of *sodalitates* (of which he had the support of four) and *collegia* [*Comment. Pet.* 30; 19]). Any modern candidate would agree with the *Handbook's* final recommendation (52–53):

Lastly, see to it that your canvass is a fine show, brilliant, resplendent and popular with the utmost display and prestige, and also, if it can be managed at all, that there should be scandalous talk, in character, about crimes, lusts and bribes of your competitors. Above all, it must be shown in this canvass that high hopes and good opinions are entertained for your political future.

4 “Parties,” Alliances, and Political Deals

In modern states, ideological political parties, which first emerged in Europe in the eighteenth century, are organizations comprising members and institutions that draw their power from the support of fellow citizens who believe in the ideology and policies that they espouse. The goal of an ideological political party is to persuade the electorate to embrace its beliefs and values, to win elections, to attain power and to form a government that will implement its platform during a fixed term of office, prescribed by law, in the hope that its performance in government will enable the party to be reelected to power in the next elections. Democratic societies are characterized by a two- or multi-party system, while a single-party system is usually typical of authoritarian regimes. Rome fits neither model. In theory, Rome may be regarded as a non-partisan democracy, a system whereby citizens vote on various issues directly rather than elect party members as their representatives. In practice, as we shall see, the fact that only a meager percentage of the citizens voted and that the system of voting in units was skewed in favor of the higher property classes preclude such a definition.

Policies and strategies were conceived in the senate. These were

generally introduced and formulated by a small group of senate members—the *consulares*, or former consuls. The senior annual magistrates were not party leaders or “representatives of the people” (see below) in the modern sense, but, as Polybius claims: “[the consuls] present the important issues before [the senate], and execute its resolutions.”¹⁰ Disagreements occasionally arose among the senators over foreign or domestic policy issues and resulted in fierce debates, but these did not stem from profound ideological differences, but rather from divergent ad hoc assessments or personal rivalries. Contested proposals were sometime obstructed by a tribunician veto, which led either to the abandonment of certain schemes or to a compromise that was ultimately endorsed by the senate. Lowerranking senators (p.85) tended to accept the policies espoused by the *consulares*, but this was not because they were “toeing the party line.”

In the final decades of the Republic the senate’s authority declined and powerful individuals did not hesitate to take controversial issues directly to the people without previously consulting the senate (*populares*). These too were not “party leaders,” but mostly individuals acting out of their own interests rather than for the sake of any particular idea, usually with the help of supportive tribunes.¹¹ Thus, for example, Pompey’s “party” was an entirely fluid affair, attracting varying elements from across the political spectrum at each stage of his political career, depending on the circumstances.

It was customary to regard the *optimates* and the *populares* (p.7) as political parties. However, this view, which was promoted in the second half of the nineteenth century CE by Theodor Mommsen, who analyzed Roman politics through the prism of contemporary European politics, has few supporters today. The terms first appeared in the Roman political scene only after the Gracchan crisis to distinguish between two kinds of politicians—all senators—on the basis of their contrasting modes of operation. *Optimates*—“the best men”—were, generally speaking, those who wished to preserve the *status quo* and the senate’s central position in the decision-making process, leading many modern scholars to label them “conservatives.” Although this definition is fairly broad, it is impossible to discern any other attributes that these politicians had in common, and in fact, at any given time, most senate members might have been called *optimates*.¹²

Despite their name, the *populares* were not individuals who had sprung from the common people. They came from within the senate, but followed a different *modus operandi* with regard to contested issues. Along the lines laid down by the Gracchi, they discarded the traditional patterns of the decision-making processes and, with the help of tribunes of the *plebs*, brought contested decisions before the plebeian assembly without previously consulting the senate. However,

they did not seek to change the fundamental nature of the regime. Some—like the Gracchi—genuinely believed that the ruling elite should take account of the changing makeup of Roman society and its new needs and to adjust to the new reality so that it could safely maintain its supremacy.¹³ Other *populares* confronted the senate to promote selfish interests of their own, but generally within the framework of the existing regime. It should be remembered, however, that “the popular way” (*via popularis*) was not reserved for the *populares* alone. Confirmed *optimates*, too, such as Cato the Younger, did not hesitate to adopt popular measures when it was politically expedient for him to do so.¹⁴

Lily Ross Taylor argued that, “the old Roman substitute for party is *amicitia*, friendship,” which served as the main support base for those competing for public office.¹⁵ While the term *amicitia* can be translated simply as friendship, this does not convey its full range of meanings. In fact, this is one of the most difficult terms to translate (and not only into English), and its finer nuances, which were clear to the ancient Romans, often elude us today. Taylor, like many others, rendered the term in purely political terms, as did Syme, who noted wryly: “*Amicitia* was a weapon of politics, not a sentiment based on congeniality.”¹⁶ By contrast, Brunt astutely showed that *amicitia* had many connotations that do not necessarily have anything to do with “political friendship” per se.¹⁷ Nonetheless; the distinct and highly prominent use of *amicitia* in the sense of “political friendship” in the ancient sources cannot be ignored.¹⁸

So what is *amicitia* in general—and “political friendship” in particular? In earlier periods it was about long-term personal relationships, spanning years and even generations, between individuals and families of the Roman elite. These were based on mutual affection, respect, admiration, commitment, and trust (*fides*), and on mutual help in times of need. Occasionally, *amicitia* ties turned into family bonds following marriage between the respective families. As might be expected, the friends—*amici*—usually shared similar views on many issues, including their political outlook, and it was only natural that this mutual support and help extended to the political arena as well. *Amicitia* was therefore expressed in the form of help in law courts during trials and in lobbying for support during votes on legislation and particularly during elections, when *amici* were honor-bound to mobilize all their power and resources—both money and followers—to help in each other’s campaigns for public office.

However, as we learn from the *Handbook on Electioneering*—especially chapters 29–35—“political friendships” in the late Roman Republic were no longer long-lasting, and the bonds formed were not necessarily out of mutual affection or admiration. On the contrary:

Again, while you should be supported and fortified by friendships already formed and established, many useful friendships are acquired in the canvass itself, since a canvass, for all its nuisances, has the convenience that you can make friends of any people you wish without disgrace, which you cannot do in the rest of life. If at some other time you were to exert yourself to court friendship with them, you would seem to act in bad taste, but in a canvass you would be thought a very poor candidate if you did not so act and with vigor too in connection with many such people. (*Comm. pet.* 25)

The goal of every contender, therefore, was to acquire the largest possible number of “political friendships,” since the power of their combined support—or, to be more precise, the number of votes that they could muster—could decide the outcome of an election. It is no wonder, therefore, that Lily Ross Taylor, who probably found it difficult to define the Roman notion of “political friendship” in terms that a modern reader could identify with, chose to portray it as a political party.

In addition to *amicitia*, there was also the concept of *factio* (pl. *factiones*). Although it is customary to translate this term as “faction,” it did not in fact have the same meaning as a party faction in the modern sense. The term usually refers to a group of political figures—also from the elite—who used all their resources, personal fortunes, friends, and clients to win elections, especially for the consulate. On the face of it, it seems that there is no real difference between *amicitia* and *factio*—but in reality, *factio* always carried a negative connotation mainly because it implied a kind of twisted form of *amicitia*, an instrumental ad hoc bond between certain individuals formed from the outset for the sole purpose of attaining supremacy and influence through the election of one of their members to the consulate.

However, even this distinction does not explain the precise differences between *amicitia* and *factio*. Sallust (*Iug.* 31), who coined the much quoted dictum: “this act, which among good men is an act of *amicitia*, among bad men is but an act of *factio*,” only adds to the confusion, since “good” and “bad,” especially in politics, are relative terms. Manifestly, no side in a political struggle will ever declare themselves as “the bad guys”—quite the opposite. Thus, for example, while some referred to the pact between Crassus, Caesar and Pompey in the year 60 (the so called ‘First Triumvirate’ p.26) as *amicitia*, others saw it as *factio*; it was all in the eyes of the beholder.

Factio became a political catchword,¹⁹ a pejorative term that contenders flung at each other in the political struggles of the dying days of the Republic. It was also a powerful propaganda weapon in

the slogans of the civil wars that tore the Republic apart between the years 48 and 31. Augustus used it to sum up his victory over Marcus Antonius in the first chapter of the document that he compiled to record his momentous achievements (*res gestae divi Augusti*): “In my nineteenth year, on my own initiative and at my own expense, I raised an army with which I set free the state, which was oppressed by the domination of a *factio*.”²⁰

Another word in the Roman political lexicon of elections that does have a fairly modern equivalent is *coitio* (literally, “walking together”), which simply means a political deal.²¹ Since each of the elected magistracies comprised more than one office-holder, it was only natural, especially in consular elections, for two candidates to join forces and pool their resources and supporters to increase their chances of election over other contenders. Often the deal was forged with a view to excluding a third candidate whose chances were particularly good. Catiline and Antonius, for example, made such a deal against Cicero during the campaign for the consulship of 63. However, this did not turn out as they had hoped: Catiline, as we know, failed, and Cicero and Antonius were elected consuls for that year. Another case in point occurred during the campaign for the consulate of 59. Lucius Lucceius, a man of letters who had not hitherto distinguished himself politically, wished to compete for the consulate, but as a reputedly weak candidate with slim chances of winning, he realized that he must ally with a stronger party. To this end, according to Cicero’s derisive account, he tried to decide who from among the other candidates would be his best choice—Julius Caesar or Marcus Bibulus, whom he hoped to reach through intermediaries.²² Caesar, who was perennially short of cash, jumped at the chance since his bitter rivalry with Bibulus and the latter’s main supporter, Cato the Younger, precluded a deal between the two. Therefore, as Suetonius (*Iul.* 19) recounts:

Of the two of them—Lucius Lucceius and Marcus Bibulus, who together sought to become consuls, he got Lucceius on his side, and it was agreed that he, Lucceius, who had little influence but great wealth, would promise the voters his own money on behalf of both of them.

Political deals were considered a legitimate, if distasteful means. Although they profoundly breached the principle of equal opportunity that had been customary among the traditionally competitive Roman ruling class—by which the voting public had the right to choose among candidates drawn from the oligarchy based on ability, achievement and family ties—political deals were never outlawed.²³ The reason was that in the late Republic—especially after 70—

competition for the consulate was so fierce that most candidates could not do without them, even if they wanted to. In 65, even Cicero, who denounced such backroom deals between electoral candidates,²⁴ considered the possibility of defending Catiline in a trial involving the latter in preparation for his own electoral campaign for the consulship.²⁵ His reasoning was that if Catiline were acquitted, he would be indebted to Cicero and join him in a joint race for the consulate in the elections two years later.

Unlike *amicitia* and *factio*, which involved long-term relationships between several people, a deal was mostly struck between two individuals, who usually had no prior relationship, purely for the purpose of achieving the short-term goal of winning a particular election. It was considered unethical, especially if accompanied by an agreement to hand out bribes, but as we have said it was never outlawed, since it was clear that no one could afford to comply, or would want to.

5 Voting, Vote Counting, and Declaring the Results

As already mentioned, the surviving information about electoral procedures is mostly haphazard and fragmented. Modern scholars who have discussed the issue attempted to construct as complete a picture as possible from the extant data, and the following account is based largely on their reconstructions and conclusions whose outlines are generally accepted. We shall first review the features common to all electoral assemblies, and then examine the distinctive procedures of each one in turn.²⁶

Prior to the first half of the second century BCE, the tribal electoral assemblies convened at various venues within the Forum. The centuriate assembly, on the other hand, being a remnant of the people's army, assembled in the *campus Martius*, since it was outside the *pomerium*, the city's sacred zone that the army was forbidden to enter. In about 140, as the urban population grew, and the open spaces in the Forum were reduced as a result of the extensive building activity within its boundaries, elections conducted by the tribal assemblies were also transferred to the *campus Martius*. A certain area was designated for this purpose in the southern part of the campus, marked with a temporary wooden fence (*saepta*) and internally divided with ropes into thirty-five columns—one for each tribe—apparently in a fixed order. Dubbed *ovile* (sheep pen) due to its appearance, it was, as far as we can tell, set up in preparation for each elections and dismantled immediately afterwards.

As in all public activities, it was important to assure that the gods

looked upon the elections favorably. Therefore, between midnight and dawn of the elections day, the presiding magistrate (a consul or a dictator who had the right to ask for signs (*auspicia*), which was part of their *imperium*) arrived at the voting venue. He established a holy compound (*templum*) at the site, ascended a raised podium and scanned the skies for signs that the gods looked favorably upon the assembly. These he interpreted with the help of one of the *augures*.²⁷ If the signs were inauspicious, the elections were postponed to an alternative assembly day that probably had been reserved ahead for this purpose. Since tribunes of the *plebs*, who did not have *auspicia*, were not allowed to ask for omens, it is unclear whether a similar procedure (perhaps conducted by magistrates with *imperium* accompanying the tribunes?) preceded the convening of the plebeian assembly.

Since all public activity in Rome ceased at sundown, the magistrate called on citizens to start voting immediately at dawn. The summons, like other instructions to voters, was delivered in a prescribed manner. A herald stood on a podium and declared the start of the elections, while another blew a trumpet around the city walls and called on the citizens to vote. While the voting for the centuriate assembly was in session, a red flag was hoisted on the *Ianiculum*, the hill across the Tiber, facing the election zone at the *campus Martius*, to indicate that the city was not in danger of an enemy attack (p.96).

Once all ceremonies had been completed, the magistrate, who was seated on an elevated tribunal outside the *saepta*, delivered a public prayer in time-honored fashion, beseeching the immortal gods for their blessing and expressing the hope that their good-will would enable the elections to proceed and bring success and prosperity to the elected and to the Roman people in general. He then formally appealed to the assembled citizens to declare which among the candidates they wished to elect to the respective positions. Up to this point, the sequence of events was in fact an unofficial assembly (*contio*). However, once the presiding magistrate ordered the citizens to split up, report to their respective units (*discedite Quirites*) and vote (*ite ad suffragium*)—irrespective of the number of citizens who showed up to vote—the gathering changed from an unofficial assembly to an official one (*comitia*).

At this point, each voter reported to the place assigned to his tribe in the *saepta*. It is unclear precisely how and where citizens assembled before the vote, how they identified themselves to the tribal officials (*tribules*), or how the latter verified the voters' identities to prevent fraud—perhaps it was based on personal acquaintance, or by consulting a list of tribe members. Nicolet speculated that each Roman citizen was issued with a small bronze “dog tag” stating his name and

tribe, but there is no evidence whatsoever to confirm his conjecture.²⁸

Before 139, voting was oral. Each voter presented himself before a *rogator* (p. 129) and stated his choice aloud. The *rogator* noted this with a point (*puncta*) on a wax tablet assigned to each of the official candidates, and when the voting was over, each candidate's points were added up. However, from 139 onwards, Romans elected their magistrates by inscribing the initials of the name(s) of the candidate(s) of their choice on small wax tablets. Precisely when and where each voter received his tablet, or inscribed his choices, remains unknown. Apparently, there was no supervision over the voters during the inscription on the tablets, judging by an incident when Cato the Younger annulled the elections results after proving that "all the votes bore the same handwriting."²⁹ We also have no information regarding the number of names that each voter inscribed on the tablet, especially when a large number of prospective office-holders were involved (ten plebeian tribunes, or twenty quaestors). It is not implausible, in my view, that irrespective of the number of office-holders—especially if we take account of the various deals—the voters inscribed only two names on their tablets.

Having inscribed the names of the chosen candidates on the tablet, each voter joined his tribe's designated lineup and ascended a raised podium (usually of a temple between six and ten feet high or a specially constructed platform) by the means of a flight of stairs and a wooden bridge (*pons*). We do not know if there were thirty-five bridges for this purpose—one for each tribe—or a smaller number shared among the tribes. In 119, Marius, as tribune of the *plebs*, enacted a law that ordered these bridges to be narrowed. Some modern scholars believe that this was designed to make it more difficult for hawkers to sway voters in favor of one candidate or another at the very last minute, but this interpretation is problematic for a number of reasons. First, Plutarch explicitly states that Marius asked to narrow the bridges in connection with voting in the law courts (p.131), not during elections; second, this notion is based on the assumption that voters inscribed the names of the candidates on their tablets only immediately before casting their vote. However, this is inconsistent with other testimonies—such as the aforementioned fraud exposed by Cato the Younger—and with current estimates of the comparative brevity of the elections process, as will presently become clear. Therefore, it cannot be unequivocally established that Marius' law was applied to elections as well.

On the podium itself stood a large urn (*cista*) by way of a ballot box (one for each tribe), into which each voter cast his marked wax tablet. It was surrounded by guardians (*custodes*) appointed by the presiding magistrate from among the tribal dignitaries, as well as by

representatives of the various candidates, whose job was to supervise the voting and to ensure that no voter cast more than a single tablet into the *cista*. Once voting was over, the tablets were removed from each of the tribal urns, inspected by the “ballot committee,” and the votes noted on other wax tablets with points, just as in the days when voting was conducted orally. Many people were involved in the counting (*diribitio*), and upon completion, the guardians formally handed over the results to the magistrate who presided over the assembly.

This procedure applied to both the centuriate and tribal assemblies; however, each of the popular assemblies had its own unique features. We will start with the tribal assemblies.

In the days when the tribal assemblies (the *concilium plebis* and the *comitia tributa*) voted at different venues in the narrow confines of the Forum, the tribes were called to vote in sequence (p.97), with the first tribe chosen by casting lots among the thirty-one rural tribes (the urban tribes were most probably excluded from this process). Thereafter the remaining tribes voted. Once the elections were moved to the much larger *campus Martius*, there was no longer any need for casting lots, as all tribes now voted simultaneously.

At the signal given by the presiding magistrate (a plebeian tribune or a consul), the citizens split into designated lines according to their respective tribes, apparently in a space outside the *saepta*. Once a voter’s identity had been verified by the tribal officials (*tribules*), he received a wax tablet and inscribed upon it the name or names of his preferred candidates (precisely how and where we do not know). To help the voters, the names of the candidates were noted in big characters on large tables. Although we know nothing about the order of voting within each tribe, it is reasonable to assume that the tribal notables such as senators and *equites* voted first. As the single file made its way up the *pons* to the elevated podium each voter cast his tablet into the tribal *cista*, and left the podium, apparently by means of one or more flights of stairs (either temporary ones or those of a temple) at the rear.

Once all tribes had cast their votes, the vote counting (*diribitio*) began in the presence of the guardians and the candidates’ representatives. Although the tribes voted simultaneously, the results from each tribe were announced separately, in an order determined by casting lots. This went on until a candidate had achieved the required majority (eighteen tribes i.e., eighteen electoral units out of thirty-five).

The logic behind the method of deciding the winner is well illustrated in a model constructed by Staveley. Say three candidates—A, B, and C—are competing for the two annual positions of curule

aedile. With the results declared from twenty-four of the thirty-five tribes, candidates A and B have each achieved the majority necessary for election (the votes of eighteen electoral units/tribes), while candidate C has won only twelve electoral units. From this distribution it follows that twelve tribes voted for candidates A and B, six tribes for candidates A and C, and six for candidates B and C. As soon as candidates A and B reached the required majority—i.e., eighteen electoral units—they were declared victors, and the results of the votes of the remaining eleven tribes discarded—even if, for the sake of argument, nine out of the remaining eleven tribes had voted for candidates A and C, giving candidate C a total of twenty-one electoral units, versus only twenty for candidate B.³⁰ In other words, due to the method of counting and declaring the results, the winning candidates were not necessarily those with most of the voting units from all the tribes, but literally the “first past the post” in terms of the electoral units (*omnia suffragia*) in the order determined by the lots cast. With the counting of the votes complete, the presiding magistrate officially declared the winners: without this, the results had no validity. Immediately upon election, the designate magistrates were sworn in even though they were to enter office only several months later (December or January).

With the centuriate assembly, the procedure was much more complex—especially in the wake of changes introduced in the latter part of the third century BCE (p.95). We know that the reform linked the centuries to tribes, at least at the level of the first property *classis*, which now comprised seventy *centuriae*, rather than eighty prior to the reform. Although we do not know whether the linking of *centuriae* to tribes extended to other property *classes* as well, modern scholars are inclined to believe so. However, since the total number of electoral units remained the same after the reform—namely, one hundred and ninety-three centuries, including the seventy *centuriae* of the first property *classis* and the eighteen cavalry *centuriae*—it is not entirely clear how the remaining *centuriae* were divided up between the other four census *classes*.

Once the consul (or a dictator and on rare occasions an *interrex*) ordered the citizens to report to their respective units, they did so first according to their tribe, then by property rank (five in all). Members of the first *classis* in each tribe then subdivided yet again into two *centuriae* according to age, *iuniores* and *seniores*. The first *classis* therefore consisted of thirty-five *centuriae* of juniors (one for each tribe), and thirty-five of seniors, thus making a total of seventy *centuriae*, or electoral units.

The order of voting was also changed. Until then the eighteen cavalry *centuriae* had been the first to vote, but after the reform the

seventy *centuriae* of the first *classis* voted first. Lots were cast between the thirty-five (or perhaps only thirty-three as two of the urban tribes may have been excluded) centuries of *iuniores*³¹ and the unit that was drawn was called *centuria praerogativa*, or the first *centuria* to be called to vote. Once it had voted, its votes were counted and announced immediately and the result carried significant weight. Cicero (*Planc.* 49) claimed that the vote of this *centuria* in fact assured the election of at least one of the consuls. Next the remaining thirty-four *centuriae* of the first *classis* voted simultaneously, followed by a simultaneous vote of the thirty-five *centuriae* of the *seniores* of the first class together with the eighteen *centuriae* of *equites*, who cast their votes as independent entities without tribal affiliation (precisely how is unknown). Once these eighty-eight electoral units had finished voting, their votes were counted and announced. Only then was the second *classis* called upon to vote, but we do not know in what manner or how many voting units it had. It is clear however, that its vote could, and indeed usually did, decide an election since a candidate who had won the eighty-eight votes of the two previous groups needed only another nine more units to attain a majority of ninety-seven out of one hundred and ninety-three. If the required number of office-holders was filled after the results of the second *classis* had been counted, the remaining *classes* were not called upon to vote at all. Indeed, the meager evidence that we have implies that members of the third property rank and below only rarely took part in the elections—typically, only when there was fierce competition between a great many candidates.

As with the tribal popular assemblies, election results were binding only after the presiding magistrate had declared the winners who were immediately sworn in, although entering office only in the following January.

6 General Elections? Universal and Equitable Suffrage?

In general and free elections in democratic countries, every citizen over a certain age as prescribed by law is eligible to vote or to be elected to institutions or government positions, irrespective of gender, property, religion, or race. Generally speaking, certain additional constraints are imposed upon those seeking election—such as a minimum age (usually higher than for voters), as well as a clean personal record. To allow each citizen to exercise his/her voting rights, ballot boxes (or voting machines) are set up in numerous polling stations that are dispersed throughout the country.

In Rome, too, every male citizen (women's suffrage being a modern

phenomenon) of any social or economic status, aged seventeen and above, was entitled to vote for candidates, to ratify or repeal laws brought before the various assemblies, and to participate in judging accused brought before the popular assemblies. Freedmen too, the majority of whom were of non-Italian stock, and who were granted full Roman citizenship immediately upon their manumission, had the right to vote in the various assemblies (p.52).

This fundamental right, the *ius suffragii*, was considered one of the cornerstones of the *libertas* of each and every citizen. Yet, even if they wanted to, not all Roman citizens could exercise their right to vote, since elections to the various magistracies (like voting on laws or in judicial cases) were held exclusively within the boundaries of Rome, effectively denying those citizens (in fact, the majority) who lived far away from the capital the right to vote, since very few could afford to take time offwork or to bear the costs of traveling to Rome for this purpose.

Moreover, it is reasonable to assume that not every citizen living in Rome or its vicinity even bothered to exercise his right to the full. Election days were not work holidays and lasted many hours—occasionally more than a day. Hard-pressed citizens living in Rome and working for their living could not afford to give up a day's work. Moreover, in Rome of the first century BCE, most of the city's permanent residents belonged to the lower classes, and their vote, especially in the centuriate assembly, was of little or no consequence, a fact that presumably did not encourage them to vote en masse.

Although every Roman citizen had the right to vote, only those whose possessions were assessed above 400,000 sesterces, and who were hence enrolled among the *equites*, could compete for the various positions of power (*ius honorum*). In fact, as Cicero (*Rep.* 1.47) explains, the political rights of the great majority of the Roman people were manifest only in their right to determine which of the candidates of the elite would be elected to office:

states in which the people vote, elect commanders and officials, are canvassed for their votes, and have bills proposed to them, but really grant only what they would have to grant even if they were unwilling to do so, and are asked to give to others what they do not possess themselves. For they have no share in the governing power, in the deliberative function, or in the courts, over which selected judges preside, for those privileges are granted on the basis of birth and wealth.

7 How Many Citizens Voted?

The number of those entitled to vote was the same as the number of male citizens. In the *census* held in 70 (the last one under the Republic), this came to 910,000. The city of Rome itself, by the estimates of modern scholars, had between half a million and 750,000 residents—most of them slaves or freedmen. Since votes could be cast only in Rome itself, clearly not all citizens took part in the elections. The question then is how many of them did actually exercise their right to vote.

Voting was not compulsory, nor was there a requirement for a minimal number of voters; elections were considered legal and binding regardless of voter turnout. Given the total lack of data regarding the number of voters in any given year, it is impossible to gauge the percentage of voters or to detect voting patterns. The ancient writers' utter indifference to voting patterns led modern scholars to tackle the subject from another, more original angle—namely, by gauging how many people the elections venues could accommodate in terms of physical capacity. However, one may safely assume—as indeed do all those who have tackled the question—that physical capacity in itself is hardly a reliable indicator of the number of people who actually voted.

Julius Caesar instigated the construction of a permanent and imposing roofed structure, the *saepta* Iulia, to replace the temporary compound in the *campus Martius*, but did not live to see it finished; it was completed by Augustus' faithful associate, Marcus Agrippa.³² Remains of the structure, discovered in archeological excavations, allow its dimensions to be estimated, and from these, modern scholars have tried to deduce the size of the temporary republican compound and thereby the number of voters. However, it is generally agreed that there is no certainty that the permanent structure was even located precisely where the original *saepta* stood, much less that the two venues were of the same size.³³

Lily Ross Taylor, who contributed greatly to our knowledge on Roman popular assemblies, estimated that the permanent structure was capable of holding up to 70,000 voters.³⁴ Her critics, who also took into account the areas required for the inner spaces, the voting podiums and their approaches, and the vote counting area, have postulated lower figures. MacMullen put the *saepta*'s capacity at around 55,000 people, while Mouritsen calculated that the structure could hold no more than 30,000 people at a pinch.³⁵ However, as we have said, mere capacity is not necessarily an indicator of actual attendance. Nicolet has reached an even lower figure, based on a single Ciceronian passage (*Fam.* 7.30), which attests that in 45, the consular elections (in which only one consul was elected) lasted five hours in all. Taking the entire process into account—including the

time needed for each participant to vote, the vote counting, and the announcement of winners—he estimated that the number of voters of the eighteen *centuriae* of *equites* and the first and second classes—whose votes sufficed to determine the outcome—was 16,800.³⁶ Mouritsen claims, however, that even this figure is overestimated, as Nicolet did not take into account the various organizational problems that took time away from the voting itself, and overlooked the fact that five Roman hours are the equivalent of three hours and forty-five minutes. Mouritsen therefore estimated that in the specific case of these rather extraordinary elections (the assembly had originally convened to elect quaestors), which took place under Caesar's dictatorship, the number of participants of the first *classis*, the eighteen centuries of *equites* and the second *classis* numbered around six thousand men.³⁷ All these conclusions are, of course, conjectural, but practically everything points to the fact that a very small percentage of the people participated in the elections.

Even if one were to accept Taylor's estimate that the *saepta Iulia* could hold up to 70,000 people, and that this was the number that actually voted on each election, this still represents less than 8 percent of the total estimated citizens of 910,000 in the period after 70. By Nicolet's estimate, the percentage of citizens who actually voted was only 1.85% of those eligible to vote in the year 45, while Mouritsen's assessment would yield the even more astonishing conclusion that a mere 0.66% of the Roman citizenry determined the outcome of an election. It is very likely that the turnout of voters was about the same or only slightly higher in regular elections as well.

The notion that voters represented only a small fraction of the citizen population—at least with regard to the centuriate assembly—is supported by other, more circumstantial testimonies. For example, next to each candidate stood a *nomenclator*³⁸—a person (usually a slave) who specialized in memorizing the names of potential voters and whose job it was to whisper them in the ears of the candidate, so that he could address each individual by name as if he knew him personally. However, since even a *nomenclator* with a prodigious memory would not have been able to remember so many names, it is safe to assume, therefore, that he focused on memorizing the names of individuals whose vote was significant, namely, those of the higher property *classes*, whose numbers were more manageable. And indeed, as the author of the *Handbook on Electioneering* points out, the membership of the decisive *iuniores centuriae* was quite small so that there was little difficulty in recognizing them all by name.³⁹

Electoral malpractice (see below), which became endemic in the final decades of the Republic, is another indicator of a relatively low turnout. Significant sums of money were involved in swaying voters

during the last decades of the Republic; however, these sums were not unlimited, so one may assume that they were divided between a comparatively small number of voters whose ballots counted most. It stands to reason that for maximum effect, bribes were given in significant amounts only to those whose vote was valuable—mainly to people of the first and second classes. Bribing individuals of the third *classis* or lower was probably considered a waste of money, since, as we have seen, elections were usually decided once the second *classis* had voted.

In any modern democracy, such a poor voter turnout would prompt acute embarrassment, doubts and pointed questions about the legitimacy of the electoral results. In Rome, however, the topic was never even debated, since the percentage of those taking part in elections was of no consequence whatsoever. On the contrary, it was encouraged, as a small body of voters was more manageable. From 287, the convening of popular assemblies of all kinds was banned on market days. It was also banned during the three weeks prior to elections. The Roman elite did nothing to rectify the representational distortion created with the depopulation of the rural tribes in the vicinity of Rome and vehemently objected to registering well-to-do freedmen in them.

The political indifference of most citizens, and the preservation of a select, self-serving, and controllable body of voters, is perhaps one of the most astonishing aspects of elections in ancient Rome. Since we tend to view the elections in ancient Rome through the eyes of a modern observer, a more fundamental question tends to be overlooked: why would anyone outside the select circles of the socio-economic-political elite be interested in taking part in elections? Why would the less well-off citizens living in Rome—let alone those outside the city—choose to take precious time from their work and make their way to the *campus Martius* just in order to exercise their right to vote? Not only were they themselves barred from running for any office, but it was highly likely—when elections took place in the centuriate assembly—that they would not even be called to vote.

As far as we can tell, the situation was not all that different in elections conducted in the tribal assemblies, where lower-ranking magistrates were elected although the process may have even been shorter in duration.⁴⁰ In brief, although in theory the *ius suffragii* was a fundamental right enjoyed by all citizens, in practice only a tiny percentage of Roman citizenry exercised it.

8 Equal Elections?

“One person, one vote” is one of the most sacred tenets of democratic

elections. In the Roman Republic, however, the individual votes were divided among a number of artificial electoral units (not unlike the Electoral College system of U.S. presidential elections): thirty-five units in the case of the tribal assemblies, and one hundred and ninety-three units for the centuriate assembly. Unlike the modern American Electoral College, there was no correlation between the number of individuals in each artificial electoral unit and its electoral weight in practice—as we shall see, the Roman system was clearly skewed in favor of certain select sectors of its citizenry.

The inequality was particularly striking in the centuriate assembly, which elected the highest-ranking office-holders, since it was carefully designed to ensure a clear and significant bias in favor of the well-to-do. As we have seen, voting was conducted in descending order, with high property classes voting first, so that due to the method by which votes were counted and the results declared, citizens of the third *classis* and below got to vote only very rarely. Since it was enough to win ninety-seven out of the one hundred and ninety-three units in order to achieve the required majority, if votes of the first *classis* and the *equites*—which together accounted for eighty-eight *centuriae*—were in broad agreement, it was necessary only for nine centuries from the second *classis* to vote similarly for a majority (*omnes centuriae*) to be reached and the voting discontinued.

The inequality of cast votes was also evident at the tribal assemblies, albeit less blatantly since theoretically at least the votes of the wealthy carried no more weight within each electoral unit than those of the poor. However, the thirty-one rural tribes were not equal in terms of population, with those closer to Rome having notably fewer members than those further afield.⁴¹ The four urban tribes, on the other hand, consisted not only of the poor living in Rome, but also of huge numbers of freedmen—irrespective of their financial status or actual place of residence. The net result was that the vote of a citizen registered in a rural tribe was proportionally more valuable than that of his urban counterpart—and the vote of a citizen of a comparatively sparsely populated tribe in the vicinity of Rome was the most valuable of all.

It is not known whether the censors of 86 and 70 ensured that rural tribe members who had migrated to Rome were moved to the urban tribes. After 70, no *census* was held, and citizens from rural tribes who resided in the city and had effectively become part of the urban populace continued to represent their tribes of origin at the elections (if they bothered to vote)—particularly since many of their fellow tribesmen could not afford the cost and time involved in traveling to the big city. Moreover, as we have seen, counting ceased after the required majority of eighteen electoral units out of thirty-five had

been reached, so that in almost all instances not all voters' votes were counted.

The Roman elite had no interest in equal representation or in a high voting turnout. The number of actual voters was of no consequence, and no one thought of a low turnout as grounds for appealing an election result. Just how absurd the system might seem to modern eyes is apparent from one recorded instance (and there were probably many of the same nature) when none of the members of one of the rural tribes showed up to vote and five members were randomly selected from other tribes to represent them in the vote.⁴² The idea that this might invalidate the results of the vote occurred to no one. Candidates boasted not of the number of individual votes they had received, but of the number of electoral units they had won. For them, the required majority of electoral units (ninety-seven centuries or eighteen tribes) was the only number that counted. Thus, for example, it was a great honor for a candidate to receive the vote of "all the *centuriae*" (*omnes centuriae*—or, in the case of the tribal assemblies, *omnia suffragia*).⁴³ This did not mean that he had actually received the votes of all the *centuriae* or all the tribes, but rather that none of the first ninety seven *centuriae*, or the first eighteen tribes, whose votes had been counted, voted against him, and thus, he had received a simple majority when first possible. He would not have been troubled by a low voter turnout—this was the obvious and accepted norm, and he would have had no qualms in admitting that members of the lower classes had only a slim chance of voting.⁴⁴

Not only did a significantly small percentage of the Roman people vote, but the value of the votes of those who did take part in an election was far from equal. The fundamental modern notion of "one person, one vote," although valid in the senate, was completely irrelevant and intentionally tilted to favor the ruling elite in the popular assemblies.

9 Secret Ballot?

In modern democracies, the secret ballot aims to protect the right of every citizen to her/his own opinion, even when in a minority, and ensures that apart from the individual her/himself, no one knows how s/he has voted. It is also designed to prevent improper influences that might tilt the election outcome, such as pressure, intimidation, or bribery.

Until the second half of the second century BCE, Roman citizens voted orally in their assemblies. Regardless of whether the assembly met for electoral, legislative, or judicial purpose, the voters appeared one by one before the *rogator* of their respective electoral unit

(namely, a person who asked the voter about his choice)—most likely a senator or another dignitary from their tribe—and audibly proclaimed their vote which was noted down on a large wax tablet.

In the second half of the second century BCE, four tribunician laws (*leges tabellariae*) enacted in a single generation restructured the voting procedure in the Roman popular assemblies. Written ballot replaced oral voting in elections (*lex Gabinia* 139), in all trials held before the people save those dealing with *perduellio* (high treason [p.98]) (*lex Cassia* 137), in legislation (*lex Papiria* 131/130) and in *perduellio* cases (*lex Coelia* 107).

Cicero (*Leg.* 3.33–39), who is our only source for these laws, complained that they deprived the elite political group, the *optimates*, of their authority, and believed that oral declaration was the best method of voting as it did not allow the people to hide their vote (*Leg.* 3.34). Nonetheless, he doubted whether the old way of voting could be resumed, and proposed a peculiar modification of his own: “the voting shall not be concealed from citizens of high rank, and shall be free to the common people” (*Leg.* 3.10). He does not specify how this might be applied, and the idea remains fairly vague—quite possibly because he himself realized that it was entirely unrealistic (*Leg.* 3.38).

In the absence of any other substantial evidence, Cicero’s account cannot be corroborated or tested. He does not explain the reasons for the change in the voting method, nor, for example, why the transition to written ballot took place only gradually rather than in a single comprehensive decree—or why the change was implemented first precisely in the area where it was most difficult to carry out, in the electoral assemblies. Likewise, Cicero is silent as to why these allegedly troublesome laws remained in force despite the damage that they supposedly caused.

Except for Cicero’s allegations, there is no real evidence to prove that the ballot laws were passed against the wishes of the ruling elite.⁴⁵ Cicero’s attempts to cast a popular tint on all four authors of the laws even though three of them came from distinguished families and eventually rose to the highest magistracies,⁴⁶ is questionable. The only fault that Cicero can find with Gabinus, who initiated the first law, is his humble origins (he was the only *novus homo* among the four and did not reach the consulate). Such allegations may imply that Cicero found little support to sustain his claim that the laws were bitterly opposed.

Cicero’s analysis and the characterization of the ballot laws as popular measures,⁴⁷ led many modern scholars to claim that the change from oral vote to written ballot was a radical and democratic step that empowered the people and diminished the control of the Roman elite over the voters.⁴⁸ Others, however, stressed the patent

fact that the so-called “democratic measures” failed to make a discernible change in the nature of Roman politics or patterns of office-holding.⁴⁹ Not only did these laws have no far-reaching effects on Roman politics, but there is no evidence to support Cicero’s contention that the ruling class felt in any way threatened by the transition to a written vote.⁵⁰ Even Sulla—who made sure in his reforms to neutralize any possible factor that might impede upon the senate’s power—appears to have been no threat in the ballot laws and left them unchanged.⁵¹

The intriguing discrepancy between Cicero’s implications, the lack of recognizable repercussions, and the fact that Sulla did not repeal the laws gave rise to other interpretations that attempted to resolve the apparent contradiction. Christian Meier surmised that opposition to these measures may have ripened only during the last generation of the Republic.⁵² Yakobson, on the other hand, does not find it peculiar that Sulla failed to abolish the ballot laws because “Sulla might have thought that he had already taken the sting out of the legislative and judicial assemblies by curtailing the powers of the tribunes, and perhaps, as regards trials, by the system of senatorial standing courts; by turning the tribunate into a dead end in the *cursus honorum*, he will have hoped to reduce the danger of demagogues procuring election to the higher magistracies.”⁵³ Even if it were so, which is highly doubtful, there remains the question of elections in general and those in the *comitia centuriata* in particular. Is it conceivable that Sulla would have left such a loophole in his reform program, which had the strengthening of the senate as its main goal? This does not seem realistic.

Can we automatically take it for granted that the written ballot was necessarily a secret ballot? In modern democracies, such a question is usually superfluous, but is it possible to establish whether the necessary measures were taken to assure the confidentiality of the Roman voters’ choice? If we are to believe Cicero’s account, the answer would be positive, as he describes the secrecy of the vote in “modern” terms: “but the people should not have been provided with a hiding place, where they conceal a mischievous vote by means of the ballot, and keep the elite in ignorance of their real opinion” (*Leg.* 3.34). Are we to assume, then, that all the *leges tabellariae* included specific clauses that secured the secrecy of vote? The little evidence that we have suggests that this was not the case. Non-voters were apparently not allowed into the voting zone (*saepta*),⁵⁴ yet this precaution was not taken to guarantee secrecy, but to assure that non-citizens would not participate in the vote. Once within the *saepta*, nothing was apparently done to secure the confidentiality of the voters. As mentioned above, in 53 or 52, Cato the Younger was able to

stop the elections for the aedileship after he noticed that all the voting tablets were inscribed in one hand.⁵⁵ Moreover, it seems that at least in “yes and no” voting, tablets inscribed with the relevant letters were prepared ahead.⁵⁶ The voters were apparently under no obligation to hide their ballot if they did not wish to do so. Cicero himself proudly boasted that the people had not hidden their tablets when they had voted him consul, but had declared their choice aloud before the final count.⁵⁷ Could Cicero’s observation be misleading?

A rereading of the relevant Ciceronian passages (*Leg.* 3.34–39) reveals that despite the ambiguity of his wording, the examples he invokes against secrecy in voting do not concern comitial legislation or elections, but judicial matters which he connects to bribery.⁵⁸ Indeed, his reason for denouncing the secrecy of voting in judicial cases is that “the ballot condemns a smaller number than were condemned by the oral vote” (3. 39). That Cicero had judicial cases in mind can be also inferred from the fact that he refers to the law which Marius enacted as tribune regarding the narrowing of the bridges (*pontes* see above); a law which, as Plutarch (*Mar.* 4) relates, was designed to curb the power of the elite in the law courts.

Is it possible, therefore, that Cicero’s criticism of voting practices in the popular assemblies is in fact directed against the corrupt practices of the *iudices* in the permanent law courts of the late Republic, the only body where secrecy was strictly enforced by law? Almost all the information provided by Cicero’s somewhat confusing account leads to this conclusion. First, curiously enough, Cicero does not list any of the ballot laws among the numerous popular measures he refers to in his discussion of the tribunate of the *plebs*, which precedes the section on the ballot laws only by a few passages (*Leg.* 3.19–26). Second, as already mentioned, Cicero cites only judicial examples in his discussion of the ballot laws. Third, although he speaks of further legislation that enforced secrecy, adopted after the enactment of the ballot laws, there were in fact no other ballot laws relating to the *comitia*, as Cicero himself states (*Leg.* 3.35): “There are indeed four such balloting laws in existence.” Cicero names only the Marian law of 119—which did not deal with the particular issue of secrecy but addressed the problem of voters being accosted just before casting their ballot, apparently in the courts, and admits that legislation per se was never effective in putting a stop to the phenomenon.⁵⁹ Yet, his reference to “all other recent laws which ensure the secrecy of the ballot in every possible way” implies that there were indeed later additional laws specifically designed for this purpose (*Leg.* 3.38). Since these were clearly not new ballot laws, it is possible that he is citing from the clauses dealing with the judges’ obligation to secrecy that were most likely included in the laws that established the criminal

courts under Sulla's clauses that were perhaps also reinstated in *lex Aurelia* of 70.⁶⁰ Is there an explanation for Cicero's rather peculiar presentation and interpretation?

In his essay *On the Laws* Cicero composed an ideal constitution, clearly based on Roman institutions and practices, intended to cure the republican government of the ills that afflicted it during the last generation of the Republic. Surprisingly, in this ideal constitution there is no room for permanent law courts, which are not mentioned at all, and it is clear that Cicero (*Leg.* 3.10) wished to revive the old and practically obsolete system of trials before the people (p.98). Consequently, as he did not mention the permanent jury courts, whose corrupt practices (resulting from the confidentiality of the vote) he indirectly denounces, Cicero was unable to express direct criticism of the various laws that set up their procedures. He therefore probably directed his critique at the similar but not identical voting procedures of the assemblies. This ploy was probably made easier by the fact that the written ballot came to be regarded, in some way, as an important element of the people's so called *libertas* during the last generation of the Republic, an idea depicted on coins struck by the descendants of authors of the *lex Cassia* and the *lex Coelia*, (which dealt with the judicial assemblies).⁶¹ The fact that these two ballot laws were practically obsolete during the late Republic (as practically all trials were conducted in the criminal courts), emphasizes the propagandistic nature of the coins. It is plausible then that Cicero's criticism of the ballot laws as applied in the assemblies, where secrecy was optional and not practiced in a way that might menace the ruling elite, was merely a guise that allowed him to denounce strongly the judicial system of his days.

It may be that Cicero was echoing the general discontent with the criminal courts and their corrupt practices that was expressed in a contemporary pamphlet.⁶² It may also be that Cicero was indirectly criticizing proposals, expressed in the same pamphlet, calling not only for an increase in the numbers of senators, but also for the introduction of a secret ballot in the senate.⁶³ If this is indeed the case, then we can better understand why Cicero (*Leg.* 3.33) claims that the issue of the ballot was tricky and much investigated and why it threatened the *auctoritas* of the *optimates*. However, the pamphlet is of dubious authenticity, and there is no other evidence to prove that such a law was proposed in Cicero's days.⁶⁴

It is also conceivable that both the exclusion of the permanent law courts and their *iudices* from his constitution and the transference of their evils to the ballot laws are but another expression of Cicero's unrelenting obsession with his sworn enemy Clodius, whom he rarely mentions by name, even though he was still settling accounts with

him six years after the latter's death.⁶⁵ In 61, Cicero gave an injurious testimony against Clodius at the latter's trial for sacrilege. Thirty-one jurors (out of a total of fifty-six) paid no heed to Cicero's testimony and acquitted the defendant.⁶⁶ In view of the evidence that the prosecution brought against Clodius and the reputations of its witnesses, Cicero was unable to explain the verdict, and claimed repeatedly that the jurors had been bribed.⁶⁷ Cicero paid a heavy price for the decision of the thirty-one jurors, who preferred Clodius' version to his. The latter became Cicero's sworn enemy and, as tribune of the *plebs* in 58, brought upon Cicero a humiliating exile. Cicero's respectable recall to Rome in 57 never completely obliterated the excruciating memory of his public disgrace, a misfortune that resulted from a decision of what he considered to be that of corrupt *iudices* (p.24). It was not beyond Cicero, who had always equated his personal and political well-being with that of the state, to believe that a system that had harmed him could be equally detrimental to the republic as a whole.⁶⁸

That we cannot explain the discrepancy between the alleged objectives of the laws (which cannot be clearly established as we know nothing about the reasons for their adoption) and their consequences (which can indeed be gauged) may stem from the simple reason that we are looking in the wrong direction. If we pay less attention to Cicero's highly biased account, disengage the law from late republican political slogans, and approach it from a totally different angle, we might uncover some helpful clues.

As we have seen, in the second half of the second century BCE the population of the city of Rome grew considerably,⁶⁹ whereas the open spaces in the forum where the tribal assemblies met for their various activities shrunk due to the extensive building activity on and around its grounds.⁷⁰ We are told that in 145 the tribune Gaius Licinius Crassus moved the legislative tribal assemblies from the *comitium* to the Forum,⁷¹ probably because of lack of space.⁷² At about the same time the tribal electoral assemblies began to convene, as the centuriate assembly had always done, in the *campus Martius* and it is for that purpose that the wooden *saepta* seems to have been built. Due to this change, the tribal electoral assemblies began to vote simultaneously whereas previously they had voted successively.⁷³ Although we have only scraps of information about these changes, they do seem to imply that sometime after 150, voting procedures in electoral assemblies were adjusted to the city's new demographic and topographic reality. It is perhaps in this general context that the *lex Gabinia* was passed, with the blessing of the ruling elite (it should be stressed yet again that the law was enacted under an oral vote), to facilitate and speed up the cumbersome oral voting procedure, for it

was much easier to count inscribed wax tablets than to sum up verbal *puncta*.⁷⁴ Moreover, fabrications and forgeries were better contained, and once votes were counted, it was more difficult to contest the results.

It is impossible to determine why the ballot laws were enacted step by step. Presumably the problem was most urgent in the electoral assemblies in view of the larger crowds that were turning out for elections than for other comitial activities. It is not implausible to argue, although impossible to prove, that after the introduction of the *lex Gabinia*, the written ballot was gradually extended to all other *comitia* mostly because of its proven administrative efficiency. As noted above, the shift to written ballot does not seem to have alarmed the ruling elite (Tiberius Gracchus' bill, it should be remembered, was conducted before the ballot laws were applied to legislation), as best exemplified by Sulla's "failure" to abolish them.

During the late Republic, if Cicero is to be believed (we have no proof that others shared his view), the principle of the written ballot was recognized at least in theory as an essential feature of a "free people." But even Cicero, it should be noted, half admitted that such laws were just an appearance of liberty—*libertatis facies* (see above). Although a written ballot undoubtedly provided the voter with greater discretion than when voting orally, it cannot be deduced that there was an explicit stipulation for secrecy to be observed; nor can it be proved that there were any means put in place to ensure confidentiality of the vote. Moreover, as bribery was rife during the late republic, it may well be that voters were eager to show their vote (which was apparently not disallowed) in order to receive the promised reward. When Romans did want to ensure voting confidentiality, they took pains to stipulate it explicitly in the legal wording, as in the permanent law courts.

10 Electoral Abuse (*Ambitus*)

The manifestations and pathologies of electoral abuse can be understood only within the context of particular norms and political practices. This is precisely where our main difficulties lie when dealing with laws against electoral abuse under the Republic.⁷⁵ Not only is a clear-cut definition of *ambitus* (usually translated as electoral bribery/malpractice/abuse) nowhere to be found in the ancient sources, but it is also obvious that the borderlines between legitimate and illegitimate means of soliciting votes were very blurred. *Ambitus* is clearly related to the verb *ambire* (literally to go around, in practice, to solicit votes) and to *ambitio*, the eager (perhaps too eager) quest of individuals for political power.⁷⁶ While *ambitio* was usually considered

an acceptable attribute, *ambitus* was always associated with irregular, if not downright illegal, means of getting votes.⁷⁷ At what point, therefore, was a candidate's *ambitio* thought to have become *ambitus*? What were the practices that obstructed what the Romans considered to be "free elections" (*gratuita comitia*)⁷⁸ and therefore punishable by law?

The preoccupation with *ambitus*, which had become an acute and perennial problem during the last decades of the Republic, is in inverse proportion to the information available to us. Little, and often nothing at all, is known about the immediate background to each and every *ambitus* law; nonetheless, it is quite evident that such laws were enacted when existing electoral patterns, pertaining to both electors and elected, underwent change as a result of wide-ranging and significant developments.

Laws dealing with the regulation of electoral practices were already enacted in the early Republic. These early laws were somehow connected to the struggle between patricians and plebeians and probably endeavored to ensure (as later laws did) fair competition in a changing reality such as the increase in the number of both magistracies and the electorate. Thus, in 432, aspirants for office were prohibited (by a tribunician measure) to promote their candidacy by wearing a whitened toga (*toga candida*). Livy (4.25.12–14), who is our only source for this law, was somewhat bemused since in the late Republic (and probably earlier) all contenders wore whitened togas while canvassing and the word *candidatus* (candidate) itself sprang from this distinctive attire. Another measure enacted more than a century later, by the tribune of the *plebs* Poetelius in 359—which Livy (7.15.12–13) entitles the first *lex de ambitu*—debarred candidates from frequenting the weekly rural markets (*nundinae*) and the town centers of the rural tribes (*conciliabula*); but as can be deduced from the *Handbook on Electioneering* this law too was obsolete by the late Republic.

We know of no other laws concerning elections between 358 and 181, perhaps because *ambitus* was not a disruptive factor in elections, at least not one that necessitated legislative intervention. Yet the increase in the number of praetors from four to six in 196 and the highly remunerative commands overseas engendered fierce electoral campaigns, especially for the consulship. In 181, the *lex Cornelia Baebia de ambitu* was enacted by the consuls of that year on the senate's initiative, but nothing is known about its content. Whatever its interdictions, the law evidently proved ineffective or insufficiently comprehensive. Around 166, the senate convened to discuss the manner in which elections were held since they were characterized by great ambition (Jul. Obseq. 12) and around 159, another law *de*

ambitu was enacted. Both the content of the law, whose most prominent feature was the harsh penalty it laid down, and the identity of its author remain obscure.⁷⁹ By 116, a court (*quaestio de ambitu*) had been set up to deal with electoral abuse.⁸⁰ In 81, Sulla enacted another *lex de ambitu* whose stipulations again remain obscure, but we know that it prohibited those who had been convicted from running for office for a period of ten years.⁸¹

The electoral scene changed significantly after 80 and even more so after 70. Sulla increased the number of quaestors to twenty and that of the praetors to eight, while the number of consuls remained the same. In 75, the tribunes of the *plebs* were again allowed to run for higher offices, and in 70/69, the censors expelled sixty-four senators, many of whom wished to regain their former status by re-election (such as Antonius Hybrida, who would later be Cicero's consular colleague in 63).⁸² To these one should also add ambitious candidates who had failed to win an election and ran for office again (such as Catiline). The accumulative effect of these developments created almost unbearable pressure upon candidates that engendered ruthless competition, especially in the consular campaigns. But there was more; the considerable increase in the number of potential candidates for the consulate was accompanied by a no less impressive expansion of the electoral body. Of the 910,000 citizens enumerated by the censors of 70, more than half were new citizens from the recently enfranchised Italian communities, who began exercising their suffrage in the 60s and compelled the candidates to devise new canvassing schemes to attract the votes of an unfamiliar electorate. Although it is evident that most of the Italians did not exercise their new voting rights, those who did so came from the upper echelons of the local communities, and these newcomers wanted to have a say in Roman politics both as electors and as office-holders.⁸³ This was a totally new reality in which old ways of canvassing proved completely inappropriate and it was only natural for ambitious candidates to devise unconventional methods of campaigning. And indeed, the legislature had to address the problem intensively in the space of some fifteen years (67–52).

In 67, after an acrimonious debate between Gaius Cornelius, a tribune of the *plebs*, and the consul Gaius Calpurnius Piso about their rival *de ambitu* law proposals, the consular measure supported by the senate prevailed. The new *lex Calpurnia*, which was considered milder than that proposed by Cornelius,⁸⁴ made it illegal for candidates to pay greeters, to hire followers, to give seats to the tribes indiscriminately at gladiatorial games, or give banquets indiscriminately. Those convicted under this law were to be ejected from the senate and debarred from office for life.⁸⁵ They were not

required, however, to go into exile.⁸⁶ The law seems to have had certain loopholes as four years later, in 63, Cicero, as consul, enacted the *lex Tullia de ambitu*, preceded by a senatorial decision that probably not only embraced all the interdictions prescribed by the *lex Calpurnia*, but also added a clause that forbade holding games within two years of an actual or prospective campaign, unless ordained by a testament.⁸⁷ Punishment, however, was more severe: exile for ten years and the loss of rank and place in the senate.⁸⁸ Senatorial debates about further legislation did not materialize and the electoral scene was rife with electoral corruption. In 54, for example, all four consular candidates were accused of malpractice. The last republican law *de ambitu* was enacted by Pompey during his sole consulship in 52 as part of his reform (p. 28). Although the precise clauses of the law remain unknown, it seems reasonable to assume that it included the clauses of the two previous laws.⁸⁹ Pompey's law, unlike the others, was retroactive (so as to allow investigation as far back as 70);⁹⁰ a stratagem clearly intended to assail political rivals rather than to cleanse the electoral scene.

If we sum up the meager information that we have on the nature of *ambitus* we come up with two lists. The first was drawn up by Cicero (*Planc.* 44–45) who put forward the practices with which a *lex de ambitu*, decreed by the senate and approved by popular vote, should not interfere: (1) it should not prohibit electoral support (*suffragatio*), paying respect to the voters (*observantia*) or acts of kindness (*gratia*); (2) it should not prevent good men from being generous (*gratosi*) towards their tribesmen; (3) it should not be so harsh with the people as to prevent its cultivation by modest largesse; and (4) it should not prohibit the sons of the elite from paying attention to their own tribesmen or canvassing among the latter on behalf of their friends, or prevent them from expecting a similar service from their friends when they themselves are candidates for any office, “for these are things abounding in obligation, in respect and in antiquity.”⁹¹ The second list, summing up the interdictions imposed on candidates, is drawn from the little we know about the laws (some of which are recorded by their name only), from Cicero's letters and from evidence of mutual recriminations brought up at the relevant trials in which Cicero was involved. Candidates were forbidden: (1) to fund games or supply tickets to gladiatorial games with regard to clearly defined target groups (apparently, such gifts were allowed when the recipients were members of the candidate's own tribe, but not otherwise—unless extended to all citizens, without distinction); (2) to host dinners or banquets for defined target groups (the same as in the previous item); (3) to hire a retinue of escorts to surround them as they walked within the city; (4) to hire people to greet them when they walked within the

city; (5) to host games of any kind during the two years preceding a candidacy, unless they were expressly asked to do so in someone's last will and testament.

If we consider both lists together with the canvassing tactics recommended in the *Handbook on Electioneering*, it becomes evident that the laws *de ambitu* dealt with the abuse of traditional customs—such as walking about the Forum with a great number of attendants (*Comment. Pet.* 36–38) or bestowing various gifts on the people—that were entrenched in long-standing social-political relations. Cicero himself admitted that only rarely could one distinguish between traditional largesse and acts of *ambitus*,⁹² and that:

There are occasions when we must bestow largesse (*largitio*) as a gift, and we must not reject this kind of beneficence (*benignitas*), however we should do so sparingly and in due measure. . . . There are two kinds of people who spend their money: one is the spendthrift (*prodigi*), who spend freely on dinners, public handouts of meat, gladiatorial shows, hosting games and hunting trips—little of which, if anything, is remembered even in the short term; and there is the philanthropist, whose money helps release people held to ransom by sea pirates, or who take upon themselves to help their friends by paying off the debts, helping them marry off their daughters, to acquire property, or to increase their holdings.⁹³

Cicero often uses largesse (*largitio*) and *ambitus* interchangeably,⁹⁴ and suggests that *largitio* should not be discouraged altogether (*Off.* 1. 60). However, he differentiates between those who give generously (*prodigi*) and those who spend their money on public banquets, distributions of meat, gladiatorial shows, games, and hunting games that include the hunting of wild beasts. Yet, as Cicero himself acknowledges, the division was in many ways theoretical. He admits, for example, that it had been the custom to expect magnificent entertainment from the very best men during their aedileship.⁹⁵ Cicero's deliberate and somewhat uneasy elusiveness in defining what was right and what was wrong reflects more than anything the inability to do away with long-entrenched traditions.

The laws that were enacted between 67 and 52 seem to have attempted to cover all the areas where traditional canvassing practices were being abused. The recurring legislation, the evident failure to enforce the laws, the increasing severity in penalties, as well as the stern views of contemporary historians and of later Roman writers, who saw electoral abuse as one of the reasons for the decline and fall of the Republic in its final years,⁹⁶ are clear evidence that something had gone badly wrong in the traditional culture of beneficence.

It is perplexing why laws, which were obviously designed to cover

all possible venues of traditional largesse and to ensure fair and equal competition, were repeatedly reenacted knowing full well not only that few candidates would comply, but also that the interdictions could be easily circumvented by the candidates' friends and associates who could act on their behalf with impunity. Perhaps the recurrent laws were intended merely to adapt the definition of *ambitus* to the constantly changing reality, so that those who violated it could be prosecuted. Not only are there no real answers to these questions, but mention of the principal factor underlying every instance of electoral abuse—money—is absent in every single one of these laws.

Money had always been a factor in electoral campaigns since the candidates spent heavily on feasts, games and gifts of oil and wine that they distributed among their tribesmen, and they probably also helped to subsidize similar gifts that supportive friends from other tribes offered to their respective tribesmen to enhance their friends' popularity outside their own tribes. During the last decades of the Republic, however, the greatest amounts of money that the candidates seem to have spent were squandered on a relatively new phenomenon—direct purchase of votes.

This practice, I would like to argue, was probably introduced into elections in emulation of the practices that had already proved useful in the law courts, where bribing well-targeted small groups, such as the panels of judges, yielded positive results (p.104).⁹⁷ The first concrete evidence of an attempt to decide an election with money occurred in 70, when Verres promised a certain senator ten boxes of Sicilian gold to thwart Cicero's election to the aedilate.⁹⁸ On the eve of the elections to the consulate of 63, Cicero reported that two of his co-contenders, Catiline and Antonius, who had formed a deal (*coitio*) against him, were arranging for money with their agents (*sequestres* see below) in order to keep him out of office (Asc. 82–83 C).⁹⁹ During the electoral campaign for the consulship of 59, Lucius Luceius struck a deal with Caesar according to which they would campaign jointly—Caesar would lend his name and Luceius, who had less influence but more capital, would promise money throughout the *centuriae* (*per centurias*).¹⁰⁰ Bibulus, the third contender for the consulate of that year, had little choice but to promise the same amount of money; his friends helped in raising the necessary sum (or guarantees), and even Cato contributed to the fund since he considered this to be for the good of the republic (*e republica fieri*).¹⁰¹ Two of the candidates for the consulate of 54 formed a deal and promised 10,000,000 sesterces to the *centuria praerogativa* if it voted for them,¹⁰² and in the same year all candidates for the tribunate agreed to deposit 500,000 sesterces each with Cato, taking an oath to submit their conduct to his judgment, on the condition that should any one of them be convicted

(we do not know under which law), his part would be distributed among his fellow competitors. Cicero cynically remarked on this occasion, that should this succeed, Cato would have achieved more than all the laws and the courts of the republic (*Att.* 4.15.7; *QFr.* 2.15.4).

The key words in all these transactions are “the promise of money” (*pronuntiare pecuniam*).¹⁰³ While all the known violations that formed part of the various *leges de ambitu* related to deeds from before the elections, money, which is not expressly mentioned in any of the known laws, was evidently given only *after* the winners had been announced, in all probability only against solid results. Everything points to the fact that money was not distributed among potential voters in advance, but promised on condition that the bribing candidate had indeed received the *centuria*’s or the tribe’s votes, and probably only in case of victory. This *modus operandi* explains the quintessence of the law *de ambitu* proposed by the tribune Aufidius Lucro in 61. The novel point about this proposal, as Cicero remarked, was the stipulation that a candidate who had promised money to a tribe but did not fulfill his promise (presumably after having won the elections) would not be indicted. However, should he carry out his pledge, he would be liable (if convicted) to pay a sum of 3,000 sesterces per tribe for the rest of his life.¹⁰⁴ The rogation failed.

The vote-purchasing machinery seems to have become highly developed, well organized and sophisticated in a relatively short period of time involving a variety of agents. The most prominent were the *divisores*, (distributors), probably men of equestrian rank, who were originally tribal officials responsible for the distribution of the various gifts that notable tribe-members contributed to their fellow tribesmen.¹⁰⁵ This long-standing function comes to light only in the first century BCE when they became *ex officio* those who distributed the pledged sums of money that they had received from successful candidates.¹⁰⁶ It should be noted, however, that in these transactions the *divisores* formed only one party in what seems to have been a large-scale operation that involved various mediators and financial agents (*sequestres*, *interpretes*) with whom money or proper guarantees were deposited to ensure that the candidates would not go back on their commitment once the results had been pronounced.

The *sequestres*, like the *divisores*, are mentioned only several times in the Ciceronian corpus and always in connection with money designed for electoral or judicial bribery. In later periods they appear as mediators and as depositary trustees into whose hands a thing contested was placed until the dispute has been settled.¹⁰⁷ During the late Republic they probably served as mediators between the candidates and the *divisores*, and it was in their hands that the agreed-

upon sums of money (or guarantees) were deposited.¹⁰⁸ Upon the announcement of the results, the *sequestres* presumably passed on the deposited money (promised by the candidates who had won) to the *divisores*, who distributed it in turn among the tribe members, in all probability according to some sort of prearrangement as to who received what, about which we have no information.¹⁰⁹ It is plausible to assume that those who had been defeated received their money or guarantees back, but perhaps paid a certain commission to the *sequestres*. Apparently, the buying of votes to secure or obstruct an election had developed into a well-organized practice that had gotten out of hand, and together with the violence that afflicted Rome in that period its repercussions were proving perilous.

It is very plausible that the law concerning the *sodalitates* (p.55) (*lex Licinia de sodaliciis*), enacted by Crassus when consul in 55 and whose content remains obscure, was intended to deal with the promise and payment of money in return for votes.¹¹⁰ The law is commonly counted among the *leges de ambitu*, but, although clearly pertaining to elections, it defined a more distinct crime than that outlined in the various *leges de ambitu*, both in its provisions and procedures.¹¹¹ The difference is easily discerned by comparing the charges brought in two cases defended by Cicero: that of Murena (*de ambitu* at the end of 63, probably under Cicero's law of the same year) and that of Plancius who was indicted under the Licinian law in 54. Murena, consul designate for 62, was arraigned on three charges: (1) he had paid people to greet him when he returned from his province (*Mur.* 68); (2) when he appeared in public in Rome, he had been accompanied by large crowds of paid followers (apparently violating the stipulations of an otherwise unknown *lex Fabia* on the number of followers) (*Mur.* 70); and (3) he had given games and dinners to tribes indiscriminately (*Mur.* 72). The prosecutors in Plancius' trial, on the other hand, were asked to prove that he, apparently as *sodalis* in his own tribe (Terentina) together with *sodales* from the Voltinia, had purchased the votes of these two tribes (*Planc.* 43). The violations allegedly committed by Plancius, who was arraigned under the *lex Licinia* (for his campaign for the aedilate), comprised: division of the tribes into small groups, compiling lists (presumably of voters whom he intended to bribe); depositing money with special financial agents (*sequestres*); making pledges, that is, promising money (to the *divisores*?) should he be elected with the help of the tribe's votes; giving the money to the tribe's *divisores* for distribution after he had won the election.¹¹² The charges in both cases are obviously different.

The purpose of this law enacted during the second joint consulship of Crassus and Pompey (in 55 p.28) is not completely clear. Its unique judiciary procedure (the prosecutor was to name four tribes from

which *iudices* would be chosen while the accused had the right to reject only one) practically called for abuse (Cic. *Planc.* 37). Very few politicians were indicted under it between 54 and 51, and it seems that the penalty were not too severe (probably a fine).¹¹³

The law's provisions show how highly developed, well organized and sophisticated the vote-purchasing machinery had become in a relatively short time, but it is doubtful, however, whether it was really intended to confront the malady that was undermining the republican electoral system. Shortly after its enactment, towards the consular elections for 53, Cicero wrote to both Atticus (*Att.* 4.15.7) and his brother (*QFr.* 2.15.4) that the outbreak of *ambitus* had reached unprecedented dimensions and that the interest rate had doubled in less than two weeks. As already mentioned, all the four consular candidates were openly engaged in bribery (*Att.* 4.18.3) and two of the consular candidates had promised ten million sesterces to the prospective *centuria praerogativa* should it vote for them (Cic. *QFr.* 2.15.4; 2.16.2). All four were eventually indicted *de ambitu* and not *de sodaliciis* even before the elections, which were repeatedly postponed (*QFr.* 3.2.3). After 55, despite the enactment of the *lex Licinia*, most charges dealing with electoral malpractice of senior magistrates continued to be conducted under the charge of *ambitus*, under the *lex Tullia* and after 52 under the *lex Pompeia*.

Most of the evidence on *ambitus* relates to consular elections. Lintott was puzzled by the fact that bribery was rife in an assembly "which was organized as to ensure the dominance of the wealthy":

unless the candidates made a gigantic outlay, bribery would only benefit significantly the poorer members of the assembly and the votes of the fifth, fourth and even third classes counted for comparatively little. The richer votes, on the other hand, because they were more likely to be affected by personal connections and *gratia* produced by benefits received in the past, would be less likely to change their allegiance for the immediate small profit of a bribe.¹¹⁴ This problem can be solved, Lintott argues, if we conclude that "through helping the poor, the candidate both gained support among the *tenues* and a close connection with local men who were their local patrons."¹¹⁵ Yakobson rightly remarks that such a strategy, if conceivable at all, has no corroboration in the ancient sources. Taking up Lintott's remark on the "inconsistency between an oligarchic assembly and bribery," Yakobson proposes another solution: "if massive electoral bribery is hard to account for in an 'oligarchic assembly,' should we not conclude that the assembly was less oligarchic than is often thought?"¹¹⁶

It is interesting that both these opposing views take it for granted

that money was distributed indiscriminately and that, since there was a limit to the amounts of money that could be expended, the individual payments could not have been large enough to influence the wealthy, who were more motivated by personal connections or political calculations when giving their votes. However, all our evidence implies, first, that the sums of money offered to the wealthy were indeed substantial (as we have seen, the sum of 10,000,000 sesterces was promised to the *centuria praeogativa* in 54), and second, that the distribution of money was carefully calculated and carried out discriminately to optimize results.¹¹⁷ These two notions are closely linked. The candidates seem to have made careful plans and analyzed their chances judiciously. It would have been unwise, for example, to try and buy out the votes of the tribes to whom a rival or rivals belonged. It would have been also impractical if not foolish to promise money to classes whose chances to vote were practically non-existent.¹¹⁸ Since the tribes of the late Republic did not consist of continuous territorial units but were composed artificially for administrative purposes, it was worthwhile, one may assume, to concentrate efforts in those strips of the tribes that were closer to Rome and whose citizens were more likely to come for an election.¹¹⁹ Cicero is advised to memorize the tribal division of Italy by heart (*Comment. pet.* 30) and to establish relations with persons “who carry weight with some of their tribesmen by reason of their hometown, district or *collegium*” (*Comment. pet.* 32). He is also encouraged to woo centuries of *equites*, especially the *iuniores*, since they are not numerous and the weight of their votes is substantial. Murena, for example, canvassed in the “many tribes which are composed of the towns in Umbria” (Cic. *Mur.* 42), and Plancius is said to have purchased the votes of two tribes only. In 59, Lucceius promised money through the centuries (*per centurias* Suet. *Iul.* 19.1), while in 54, the *centuria praeogativa* was patently targeted (Cic. *QFr.* 2.3.5). As Mouritsen has already pointed out: “By limiting the offer to particular voters whose unit could be checked, it was possible to promise bribes to an electorate whose vote or attendance could not be individually checked. It was a tight and rational way of organizing tribal bribes, which also allowed the outlays to be effectively controlled.”¹²⁰ For bribery to be effective and render positive results, it had to be targeted at groups who had decisive votes and for whom the sums offered were such as to make voting worthwhile.¹²¹ These evidently were not the poor urban *plebs*.

The presumption that the members of the Roman upper classes did not need money and voted mostly on the basis of political or personal reasons is unfounded. Although land was the ultimate asset and the source of both economic security and status, the demand for money

grew considerably during the first century BCE.¹²² The Roman elite was in constant need of cash as the standard of living rose noticeably, luxury goods were in great demand, dowries were costly and political life, as is well known, demanded huge sums of money.¹²³ The list of Catiline's followers, as drawn up by Cicero, provides a detailed and contemporaneous catalogue of the sort of people who joined the plot for the sole purpose of ridding themselves of heavy monetary debts.¹²⁴ Among them he enumerates wealthy men (*locupletes*) who owned lands, houses, silver plates, slaves and possessions of every sort, but refused to part with their possessions in order to pay their debts (*Cat.* 2.18); men who had incurred debts while seeking office, had failed to be elected in peaceful times (*quieta re publica*) and expected to achieve their goal after a revolution (*Cat.* 2.19); Sulla's colonists, who used their unexpected wealth imprudently, lived beyond their means in imitation of men of established wealth (*Cat.* 2.20); and men who had been in financial straits for years, "who never get their head above the water," had incurred debts due to either laziness, failure in business or extravagance (or all of these combined) and refused to sell their lands in order to settle their debts despite court orders (*Cat.* 2.21).

Most of Catiline's debt-ridden supporters evidently came from among people who were most probably registered in the eighteen *centuriae* of *equites*,¹²⁵ and the first and second classes, the groups that carried the greatest weight in the *comitia centuriata*. Many of them probably resided in Rome but they were not part of the amorphous *plebs urbana*. To them one can surely add citizens, and/or their sons, who had been registered in the *census* of 70 in a higher property class, moved to Rome and continued to vote in the first or second—certainly the most decisive—class, although their financial status had since deteriorated. To such men political and personal obligations meant little, and for many of them, especially for those who resided in Rome, elections were an opportunity for filling their pockets by selling their votes to the highest bidders.

To these "urban" groups of individuals, who needed cash, banquets and tickets to games may have been of lesser importance, but they were certainly of significance to the well-to-do new Italian citizens who arrived in Rome to exercise their voting rights and were most plausibly registered in the first and second *classes*. Tribes were artificial units, and the new division of Italy, which Cicero was advised to learn by heart (*Comment. pet.* 30), made it impossible for the candidates and their backers to know even their own tribesmen. As there were no political rallies in Rome, and candidates could not hold public meetings in which they could present themselves or promote their candidacy—since public meetings (*contiones*) could be held only by magistrates who exercised the *ius agendi cum plebe*/

populo, that is the right to convene the people—banquets and games were perhaps the only opportunity for mixing with the prospective Italian (and others) voters and soliciting their support. It is probably these “new” voters, most of whom were not committed to any contender, that the candidates wanted to impress and captivate by using *nomenclatores*,¹²⁶ by surrounding themselves with large retinues and by hiring crowds of greeters.¹²⁷ The tribal system became so intricate after the Italians were incorporated into the citizen body that the candidates had little choice but to bestow their favors indiscriminately and not as in the past among members of their own tribes and those of their friends and associates only.

Cicero’s astute observation (*Att.* 4.15.7) that money levels the rank of all (*pecunia omnium dignitatem exaequat*) is perhaps the most perceptive and succinct analysis of the change that had occurred in the electoral scene during the last generation of the Republic. The pursuit of money and extravagant spending eroded the rules of a game that had been played for hundreds of years. The new *modus operandi* was rapidly encroaching upon the strongholds of the long-standing elite, thus obliterating the latter’s traditional advantages and creating a whirlpool into which all parties to the political game were drawn. Buying votes with money undermined old habits. As we have seen, the young Julius Caesar borrowed heavily in order to bribe the voters and was elected *pontifex maximus* in 63 over Servilius Isauricus and Lutatius Catulus;¹²⁸ both surpassed him in age and honor. In 60, Pompey virtually bought the consulate for his loyal follower Afranius, who seemed to have had few merits, and towards the elections for the consulate of 59, Lucius Luceius, a new man without a record or meaningful support, believed that if he were to strike a deal with Caesar and distribute money *per centurias*, he would have a good chance of being elected over Marcus Calpurnius Bibulus. Bibulus was eventually elected, but only after his “optimate” allies, including Cato, had harnessed their resources to match the moneybribes promised by Luceius.

But it was not only money that “leveled all rank”; Catiline struck a deal with Antonius, bribed the electorate heavily, but to no avail. His reputation probably contributed to his failure, but one cannot overlook the increasing weight of the “Italian constituency” whose support probably helped to vote his rivals into office. Catiline, a scion to an old patrician family, lost the consulate twice to *novi homines*: in 63 to Cicero and in 62 to Murena. In a letter to a friend he explains his attempted *coup d’état* by claiming that he had been robbed of the fruits of his toils and was “unable to attain a position of honor” while seeing “the unworthy elevated to a position of honor” (*Sall. Cat.* 35.3–4). As Shatzman rightly pointed out, many of the *nobiles* that followed

Catiline did so not only for economic reasons but also because they had suffered a blow to their *dignitas*.¹²⁹ That this was a major issue, not mere propaganda, can also be gathered from Servius Sulpicius Rufus' calculated attack on Murena to whom he lost the elections for the consulate of 62. Like Catiline, Sulpicius Rufus was a scion to a patrician *gens* that had failed to produce high office-holders for a long period.¹³⁰ He seems to have poured scorn on Murena's supposedly humble origins (*Mur.* 17) while exalting his own, presumably implying that since he had been elected first (over Murena) to the quaestorship (*Mur.* 18), the people would not have shunned him (as a consular candidate) unless paid to do so. This motif is present in the attack on Plancius as well (see above). M. Iuventius Laterensis, who lost the curule aedilate to Plancius, claimed that he was worthier (*Planc.* 10). Cicero chided him for believing that reliance on lineage and ancestry were a substitute for proper canvassing: "ancient and illustrious lineage had led you to believe that an energetic canvass was not necessary."¹³¹ Laterensis' rejection must have been even more humiliating since all his co-contenders for the curule aedileship were descendants of non-senatorial families (*Planc.* 17). It may well be that the recognition that ancient ancestry and illustrious fathers were no longer as impressive as they used to be among the contemporaneous citizens whose votes carried weight drove members of the elite to promise even greater sums of money to those voters (as was the case during the scandalous electoral campaign for the consulate of 54), and it is also possible that the *sodalitates* (p.55), whose political support was still deemed respectable in 64, were quickly adapted to the new circumstances and became tools through which the older elite handled bribe-monies.

If we assess the impact of the *leges de ambitu* during the last generation of the Roman Republic, the most striking conclusion is—apart from their relative frequency—that they served as a tool in the hands of rejected candidates who wished to procure an office that they had failed to win in elections by deposing their elected contenders *via* conviction, or as a measure to eliminate political opponents.¹³² Yet, as far as we can tell, the number of those absolved surpassed that of those convicted,¹³³ and in a way, a conviction *de ambitu* could even be regarded as a means of rejecting popular choice (*Planc.* 8;10). Why, then, legislate laws that were ineffective and easy to evade? *Cui bono*? These questions are not easy to answer as all parties to the political game in that period seem to have been intensely involved in *ambitus*.

Although Cicero and Cato stressed the moral values of the laws, the desire to establish moral behavior does not seem to have been the main purpose of the *leges de ambitu*.¹³⁴ It is evident that those held

legally accountable under the laws were always the donors; the recipients of the benefits or the various agents who distributed them, such as friends or agents, were never implicated.¹³⁵ Practically all those who were prosecuted, as far as we can tell, were designate magistrates, the majority of these being consuls-elect, who were brought to trial during the short period between their election and their prospective entry to office.¹³⁶ It is also evident that most of them, if not all, were indicted for political or personal reasons rather than for moral or ethical transgressions.

One of the main features of the *lex Calpurnia* (67) and probably also of the *lex Tullia* (63) was the interdiction to give places in gladiatorial games or to entertain at dinners *vulgo* or *tributim*, that is, indiscriminately, outside the candidate's tribe.¹³⁷ The fact that the laws dealt with the abuse of old and traditional practices regarding canvassing in the tribes, along with explicit evidence that they were carried out *ex senatus consulto*, may suggest that the laws *de ambitu* of 67 and 63 were initiated by those who are usually called *optimates* to somehow offset the attempts of certain individuals and their political allies to extend the spectrum of their "constituencies" unconventionally—mainly to thwart Pompey's growing and menacing influence on the electoral scene. As we have already seen, the facts that the promise of money in exchange for supportive votes was blatantly missing from the proper *leges de ambitu*, and that attempts to deal directly with the tribal agents of distribution, the *divisores*, failed, imply that the more "conservative" part of the senate wished to keep this venue of persuasion as a safeguard, as was the case in Bibulus' consular election campaign. On the other hand, as we have already seen, the *lex de sodaliciis* enacted in 55 by Crassus, who could hardly be considered a "friend of the senate" at that time,¹³⁸ was directed against groups (*sodalitates*) that were clearly identified with the upper classes. Moreover, there were only few arraignments under this law and only one of the cases involved a consular candidate. This is highly remarkable, especially in view of the blatant and scandalous promises of money that were made in 54 only shortly after its enactment (see above). It raises questions as to Crassus' (and Pompey's) underlying motives, particularly since the major charge with which consular candidates were subsequently arraigned for electoral offenses continued to be *de ambitu*.

Fierce competition for office, manipulations, bitter personal rivalries and rigorous, not always conventional, canvassing had long been innate characteristics of Roman political life, and in all periods the competitive elite of its time, as a group, attempted to regulate digressions from what was considered "normative canvassing" by appropriate legislation. The Roman elite of the last generation of the

Roman Republic continued in the ways of their forefathers: deviating from customs, on the one hand, and enacting “corrective” legislation, on the other. Yet the backdrop against which the electoral contests were fought during the 60s and 50s had drastically changed and had little in common with that of earlier periods.

The most dramatic transformation was doubtless the significant change in the composition of the Roman electorate and its dispersion. The majority of the post- Social War citizenry was not only widely dispersed throughout Italy, but it was also new to Roman political principles and, in general, showed little, if any, interest, in the squabbles of the oligarchic elite. Not many could afford the journey to Rome, and it may be reasonably assumed that only a minority among those who could meet the expense bothered to travel to Rome in order to exercise their recently acquired suffrage. The other significant part of the citizenry, especially those who resided in the city or in its immediate vicinity and could theoretically give their votes in elections, also had little inclination (their votes hardly counted as many were enrolled in the four urban tribes) or time to participate in a process that focused on the narrow self-interests of the elite and for the most part ignored the people’s needs and problems. Earlier *clientela* ties and networks disintegrated irreversibly and the Roman people were completely alienated from its leaders. These phenomena can further explain the soldiers’ loyalty to their commanders, who promised material rewards, and their indifference towards the state that meant little to them, or nothing at all (Sall. *Iug.* 86.3).

The tiny percentage of citizens who voted after 70 (p.35) comprised, therefore, groups who had vested interests in elections such as the friends, various supporters and at times soldiers of the candidates, politically independent Italians who came to exercise their newly acquired right (and in greater numbers perhaps when a new man from a nearby *municipium* was a candidate) and a larger group of citizens who resided in the city and were enrolled in the higher census *classes* (since no *census* was held after 70, it may be reasonably assumed that many remained formally enrolled in higher *classes* even though their financial status had changed), along with such people that Cicero enumerates among Catiline’s supporters (see above). Many of these, because of their urgent need for cash for various reasons, seem to have turned their greatest asset, their vote, into a commodity sold to the highest bidders.¹³⁹ It is not implausible that many who held “weighty votes” in the centuriate assembly and resided in Rome turned voting into a “profession” or “side-income” as it was an easy way to enlarge one’s income quickly on a yearly basis.

The new administrative division of Italy further complicated the situation. The decision not to create new tribes for the Italians in

order to reduce their influence, and their intricate incorporation into the old tribal system, yielded perilous results which threw the electoral scene into turmoil. Candidates had to learn the map of Italy by heart in order to attract those members of the top census *classes* in the splinters of tribes that were located in the vicinity of Rome, and whose votes were probably much sought after. Since this population was small and well targeted, each candidate probably tried to outbid his rivals' offer. As Lily Ross Taylor argued: "the old Roman voting system could not survive the great increase in the voting districts that followed the social war."¹⁴⁰ Roman politicians were now fighting electoral campaigns in an entirely new arena, equipped with old arms whose effectiveness they stretched to the limit; they may have been inadequate in the new reality, but these were the only weapons that the majority of the Roman elite knew how to operate.

Roman elections were traditionally based on the principle of presenting the voters with a number of candidates so that they could choose from among them. It is true that the candidates came from a very narrow stratum of society, but the presence of an alternative within this group was indispensable to the safeguarding of the competitive oligarchy; without it, elections could not be considered genuine. The obliteration of free choice brought about by the abuse of traditional canvassing practices and in particular by money bribes, extinguished the spirit of the Roman traditional "free elections" (*gratuita comitia*). Consequently, as Cicero (*Planc.* 45) succinctly pointed out in 54, voting had in fact been vanquished by largesse (*suffragia largitione devincta*).

11 The People's Representatives?

Although Roman magistrates were elected by the people, there is little resemblance between their status and that of modern elected executive offices or members of legislative assemblies. Rome's elected magistrates had no real statutory responsibility toward their voters and although they had to give a report about their deeds once they had completed their year in office, they did not have to answer to the people for their deeds. In earlier periods, an incumbent *imperium*-holding magistrate could be impeached due to gross incompetence, usually on the battlefield, in a judicial procedure held before the people that stripped him of his *imperium* (*abrogatio imperii*). Impeachments of this sort, which were infrequent to begin with, became even rarer over time, so much so that by the second century BCE the tradition had emerged by which incumbent magistrates enjoyed immunity and could not be brought to trial during their year in office.¹⁴¹ It was possible to sue them after they had completed their

term of office, but it is evident that whenever a former magistrate was indicted, it was not always out of concern for the public interest, but rather due to some personal or political rivalry. Moreover, from the mid-second century BCE, the popular assemblies practically lost their judicial powers, which were gradually transferred to the criminal courts in which the people had no part.

In a way, the censors held indirect oversight over magistrates' conduct as they had the power to expel senators (who were all former magistrates) from the senate if both censors decided that a senator was guilty of disreputable or unbecoming conduct. Nonetheless, ejection from the senate was not always directly linked to a senator's performance while in office, and, in practice, the number of senators that the censors expelled from the senate was in most cases negligible, and these were mostly from among the low-ranking members of the senate (p.85). Ejected senators could return to the senate by reelection.

One might easily imagine, therefore, the astonishment and uproar that arose in the senate in 133, when Tiberius Gracchus deposed his colleague, Octavius, by the vote of the plebeian assembly, on grounds that:

it is not just that a tribune . . . should retain that inviolable character which is given him for service to the people, since he is destroying the very power which is the source of his own power. And surely, if it is right for him to be made tribune by a majority of the votes of the tribes, it must be even more right for him to be deprived of his tribuneship by a unanimous vote.¹⁴²

The notion that the people could depose a magistrate whom they had elected to office because he had not acted in its interest was revolutionary and subversive as it threatened the very foundations of the political system, and in Cicero's (*Leg.* 3.24) view it was this act that led Tiberius Gracchus to his gruesome fate:

it was the fact that Tiberius Gracchus not only disregarded another tribune's veto, but even deprived him of his powers, that caused his own downfall. For what else overthrew him but his act of expelling his colleague from office when he exercised the right of veto against him?

In fact, as we have seen, electoral campaigns rarely dealt with ideological issues, economic problems, or matters that perturbed the urban populace such as skyrocketing rents for miserable accommodation, substandard construction, frequent fires, unemployment, traffic congestion in Rome's dirty and noisy narrow

streets, unregulated prices, crime and violence and other such afflictions that Juvenal so savagely lampooned in his third Satire. Electoral campaigns highlighted the contenders' personality, refrained from politics and focused on securing the votes that would ensure the candidate's election. Contrary to their modern counterparts, Roman office-holders, although voted in by the people in direct elections, were not accountable to the people, nor did they "symbolize" it, voice its opinions, or at most times, really advocate its interests.

Epilogue

Between Oligarchy and Democracy

In the second half of the twentieth century, historians began to question the then prevalent conviction that the Roman Republic was governed by a small group of aristocratic families that entrenched their rule by means of long-standing alliances and an intricate, mobilized, and multifarious network of loyal clients from the lower echelons of society.¹ In a series of stimulating articles published in the *JRS* during the 1980s, Fergus Millar took this notion several steps further. He argued that the so-called oligarchic elite did not operate in a political vacuum and that Polybius's judgment, which concedes an important role to the democratic element in the Roman constitution as embodied in the powers of the popular assemblies, cannot be simply swept aside.² Millar and others, who followed his path, stressed the importance of popular participation in politics: the senatorial elite did not operate behind closed doors, but in the open spaces of the Forum, candidates vigorously canvassed voters, magistrates addressed the people in *contiones*,³ and trials of members of the elite were conducted in full view of the crowds. Moreover, in the case of contested elections in the centuriate assembly, when the vote was close, even the votes of the lower classes could be decisive. Hence, despite the electoral system's clear bias in the various assemblies, the views of the lower classes could carry substantial weight.

In a recent study, Hölkeskamp has comprehensively and impressively summarized and analyzed the debate that Millar's contentions have kindled,⁴ warning that the "democratic" trend might become the new orthodoxy, not unlike the preceding "oligarchic" trend, tagged by North as the "frozen waste theory,"⁵ which had ceded to the newer interpretation. Although he generally disagrees with Millar's views, Hölkeskamp acknowledges, with good reason, that the lively controversy over the role of the masses in an aristocratic society that has been in progress for more than three decades, has yielded new and important insights that have contributed considerably to our understanding of Rome's political culture under the Republic.

One of the questions that have not yet received an adequate answer involves the identity of the "people" who exercised such power as to warrant the importance Polybius attributed to it as one of the three

main elements in the Roman “constitution.” Who exactly was the “people” whose authority constitutes the democratic component of the Roman regime according to Polybius’ model? In theory, he was perhaps right as the sovereignty of the Roman people, as expressed already in the laws of the Twelve Tablets, was irrefutable. And indeed, as Polybius (6. 14) argues, nowhere was this better illustrated than in the popular assemblies. In practice, however, as electoral procedures (and probably legislative activity as well) demonstrate, popular attendance in the assemblies was meager and only a tiny unrepresentative percentage of the Roman citizen body exercised its political rights. This was partly because voting took place only in Rome, which excluded most citizens outside the city from participating in the process, but it was also the result of other well-known aspects of the Roman political system: the fact that the propertied classes enjoyed greater weight in the centuriate assembly, that the assemblies could be convened only by magisterial order, that the people were presented with issues that they could only either approve or reject, or with candidates from a predetermined roster drawn entirely from that same elite, that they voted in units where the principle of “one person, one vote” did not apply, and that the rural tribes (some of them densely populated) had clear predominance over the urban tribes (abounding in freedmen). Moreover, after 70, the dramatic change in the composition and number of the Roman people and its dispersion, created a new reality which excluded the greatest part of the potential electorate from taking part in either legislation or elections. In light of all these factors, can the small, probably of a different composition at each election, and unrepresentative group of Roman citizens who actually participated in the political process be considered the “democratic element” in the Roman constitution?

Cicero (*Rep.* 1. 47), who was an acute observer of the Roman political system, probably gives one of the most incisive diagnoses of Roman social and political relations when he describes:

States in which the people vote, elect commanders and officials, are canvassed for their votes and have bills proposed to them, but really grant only what they would have to grant even if they were unwilling to do so, and are asked to give to others what they do not possess themselves. For they have no share in governing power, in the deliberate function, or in the courts, over which selected judges preside, for those privileges are granted on the basis of birth and wealth.

The ruling elite, comprising rich and powerful families, considered the governance of the Republic as its exclusive and indisputable prerogative, and its members competed fiercely among themselves for

the various offices. To maintain their hegemony as a group, they imposed strict regulations on themselves so that no outstanding individual could rise above the collective and threaten their privileged position. They well understood that they could not be solely responsible for the decision as to who among their ranks was worthiest of being elected to office, especially the consulate—thus attaining the much desired *dignitas*, the honor that ensued from holding office—since the power struggles could easily deteriorate into bloodshed and mutual destruction. Therefore, the right of decision was conferred upon a limited, well monitored and unrepresentative group of the people—one that was relatively reliable and controllable. In the 60s and the 50s of the first century BCE, as a result of the dramatic increase in the voting districts and the changing nature of the electorate that followed the “unification” of Italy, the old voting system with its imposed “checks and balances” collapsed undermining the predominance of the republican elite.

It is true that what Polybius refers to as “the democratic component” of the Roman constitution cannot be totally dismissed. However, it must be examined within the specific Roman context—which Polybius had deliberately left out in his analysis—rather than through the lens of Greek philosophy or modern political theories. One must be careful not to view the Roman “political culture” in isolation from its demographic, social, and economic features, especially, it should be stressed, since Polybius related to the republican government as it functioned at the end of the third century BCE. The use of terms such as “democracy” and “oligarchy” to characterize the republican government—can be misleading, since not only were they coined in ancient Greece, had no Latin equivalents, and were not used in Rome itself as such, but they have also acquired additional meanings from the social and political developments in the many centuries that have since elapsed. Hence, although these aspects doubtless oblige and encourage us to ask a new set of questions, they cannot be properly used to describe the Roman republican regime. Indeed, until a better term can be devised for characterizing the part played by the people in the Roman “constitution,” especially in the late Republic, it is perhaps advisable to better understand the mechanism by which the republic was governed (as best seen in the electoral process) in the light of Polybius’s shrewd and prudent advice (6.11.10):

In so far as any view of matter we form applies to the right occasion so far expressions of approval or blame are sound. When circumstances change, and when applied to these changed conditions, the most excellent and true reflections of authors seem

often not only not acceptable, but utterly offensive.⁷

Notes

Notes to the Preface and Acknowledgments

1. The *Commentariolum Petitionis* was translated for Loeb Classical Library (vol. 462) by Mary Henderson in 1972. Her translation was revised in 2002 by D. R. Shackleton Bailey. *In Toga Candida* was translated by Simon Squires (1990).
2. Cic. *Att.* 1.1.1.
3. It is impossible to draw a full list of all the relevant works in this context. I will cite just a few: Broughton's monumental volumes (1951–1952), which provide a year by year list of all known magistrates, promagistrates, priests and various other office-holders, are indispensable. Volumes VII, VIII and IX of the second edition of the *Cambridge Ancient History* combine a detailed chronological account with excellent discussions on the various features of Republican Rome and its culture. Crawford (1978) and Beard & Crawford (1985) are concise and valuable accounts. The “companions” of Flower (2004) and Rosenstein & Morstein-Marx (2006) provide many and helpful introductory presentations on various aspects of republican life. See also Patterson (2000).

Notes to Chapter 1

1. On suggestions for a new periodization of republican history see Flower (2010). For a concise but comprehensive account of the early Republic see Oakley (2004); see also Raafaub (2004).
2. On the conquest of Italy and its organization under Roman rule see: Toynbee (1965), 1.115–266; Badian (1958), 1–53; Sherwin-White (1973).
3. On the emergence of the *nobilitas* see Hölkeskamp (1987); Feig Vishnia (1996), 6; 195–204.
4. Brunt (1971), 424–434; Toynbee (1965), 2.106–154.
5. On the problematic aspects of the use of the word “politician” when referring to the protagonists in Roman political life see Patterson (2000), 5.
6. Plut. *Ti. Gracch.* 8.3.
7. Plut. *Ti. Gracch.* 15.2–5.
8. Twelve Tables, Table 12.5 with Crawford (1996), 2.721; Liv. 7.17.12; 9.33.8–9; 34.6–7. See also Cic. *Balb.* 33.
9. Val. Max. 3.2.17; Vell. Pat. 2.3.1–2; Plut. *Ti. Gracch.* 19.3–6; App. *BCiv.* 1.16–68–70.
10. Plut. *Ti. Gracch.* 20. 1. See also App. *BCiv.* 1.1: “Internal discord did not, however, bring them to blows; there were dissensions merely and contests within the limits of the law, which they composed by making mutual concessions, and with much respect for each other.” *BCiv.* 1.2: “The sword was never carried into the assembly and there was no civil butchery until Tiberius Gracchus. . . .”
11. On the importance of grain in the ancient world see Rickman (1980).
12. Feig Vishnia (1996), 172–173.
13. Plut. *Cat. Mai.* 8.1.
14. Plut. *C. Gracch.* 18.
15. Cic. *Orat.* 1.165; 2.132–135; Liv. *Epit.* 61.

16. Sall. *Iug.* 41.10.
17. Sall. *Iug.* 41. On the Gracchi in general see Boren (1968); Stockton (1979).
18. Sall. *Iug.* 41.5.
19. See especially Sall. *Cat.* 38.3–4: “. . . under pretence of the public welfare each in reality was working for his own advancement. Such men showed neither self-restraint, nor moderation in their strife, and both parties used their victory ruthlessly.”
20. Plut. *Mar.* 30.1.
21. Plut. *Sull.* 1–5.
22. On Cinna see Lovano (2002).
23. On Crassus see Marshall (1976); Adcock (1966).
24. Their rights were restored only under the dictatorship of Caesar. See: Dio Cass. 41.18.2; 44.47.4.
25. Plut. *Sull.* 38.4.
26. Suet. *Iul.* 77.
27. Juv. 1.15–16: “. . . I too have counseled Sulla to retire from public life and take a bog sleep. . . .”
28. Thus dubbed by Gruen (1974).
29. Known today as “the Marches” in central Italy on the Adriatic coast.
30. Val. Max. 6.2.8: *adulescentulus carnifex*.
31. Plut. *Pomp.* 14.3.
32. Plut. *Pomp.* 21.2; Plut. *Crass.* 11.7.
33. Plut. *Cras.* 12.
34. Syme (1939), 17: “But even Sulla could not abolish his own example and preclude a successor to his domination.”
35. Plut. *Pomp.* 28. 3–4.
36. The Second Mithridatic War (83–81) was initiated by Licinius Murena whom Sulla left in charge of the province of Asia. After a series of defeats the war was brought to an end by Sulla’s orders.
37. Cic. *Leg. Man.* 12; Vell. Pat. 2.32.1.
38. Plut. *Luc.* 35.
39. For a detailed account of the 60s see Gruen (1974), 121–162.
40. On candidates that failed to win see Broughton (1991).
41. On the *census* figures see Brunt (1971), 91–121.
42. Contra see Gruen (1974), 6–47.
43. Plut. *Cic.* 11.1.
44. Cic. *Off.* 1.77: *Cedant arma togae concedat larea linguae*.
45. *Comment. Pet.* 5.
46. Sall. *Cat.* 51.
47. Sall. *Cat.* 52.
48. Syme (1939), 34.
49. Dio Cassius (37.54.2) remarks that Caesar expected to achieve greater exploits and further triumphs.
50. Suet. *Iul.* 19.2 is the only source for this information.
51. Suet. *Iul.* 20.2.
52. On the violence during the last decade of the Republic see Lintott (1968), 89–174; lack of proper police forces in Rome Nippel (1984); id. (1995), 47–70.
53. Caes. *BCiv.* 1.7

Notes to Chapter 2

1. It is impossible to provide a precise translation for the Latin term *ordo*. Literally

it relates to some sort of a methodological arrangement such as a row of benches or a line of soldiers. In a political-social context it refers to a group of registered citizens whose particular status is officially distinguished from the rest of the citizenry by certain privileges and obligations.

2. Taylor (1960), 4–7.
3. On this see Cornell (1995), 173–179.
4. Taylor (1960), 108–118.
5. Cicero's formal name was: M(arcus) Tullius M(arci) f(ilius) Cicero, Cor(nelia) (Marcus Tullius the son of Marcus Cicero from the Cornelian tribe).
6. Taylor (1960), 13–19.
7. For a comprehensive study on the *municipia* see Humbert (1978).
8. Cic. *Planc.* 19, among them Marcus Porcius Cato known as Cato the Elder.
9. Taylor (1960), 6; Purcell (1994), 673–676.
10. Varro, *Ling.* 6.25; Mac. *Sat.* 1.70; Plin. *NH* 36.70.
11. Liv. 1.42–43. Dion. Hal. *Ant. Rom.* 4.19.4. The evidence provided by the two ancient sources is practically identical differing only slightly in their respective description of the armor carried by the fourth and fifth classes.
12. The table is based on the one drawn by Cornell (1995), 179. On the ideology behind the Servian division see Nicolet (1976).
13. Dion. Hal. *Ant. Rom.* 4.19.4. See also Aul. Gell. 16.10.10–11 who distinguishes the *proletarii* from the *capite censi* claiming that the latter rated lower.
14. Cic. *Rep.* 1.42.
15. The previous *census* was held in 86/85. There are different accounts as to the number of citizens that were registered. One version records a total of 463,000 citizens, the other 963,000. In the last *census* before that, held in 115, the total number of citizens numbered 394,336. For further details see Brunt (1971), 91–100; Nicolet (1980), 48.
16. On this see Cornell (1995), 84–85; 176–179; 245. Smith (2006), 9–70.
17. From the end of the third century BCE, military commanders were granted a fourth name (*agnomen*), derived from the area where they had sustained their greatest victory. The first so honored was Publius Cornelius Scipio, dubbed Africanus after his victory over Hannibal in Africa (202). These titles—such as Numidicus, Belearicus, Asiaticus, Creticus—were honorary labels bestowed by the senate on an individual basis, and not passed on to one's descendants.
18. Dion. Hal. *Ant. Rom.* 2.9–10. See Deniaux (2006).
19. Crawford (1996), 2.689–690; Saller (1982), 1–39.
20. Liv. 9.46.5–6.
21. On the *lex Cincia* see Feig Vishnia (1996), 94–95.
22. See esp. Badian (1958); Deniaux (2006), 405–412.
23. Gelzer (1969), *passim*.
24. Syme (1939); Badian (1958) and Scullard (1972) believed that the main strength of the elite families came from their numerous clients. Contra Millar (1984); Brunt (1988), 414–424; 351–381; Morstein-Marx (1998); Mouritsen (2001), 67–78.
25. On the law see Twelve Tables 11.1 with Crawford (1996), 2.712. On its annulment: Liv. 4.1.1–6. On the Fabii and battle of Cremera (477) see Liv. 2.48 with Ogilvie's notes (1965), 359–366. See also Richard (1988); Feig Vishnia (2004), 88.
26. Liv. 1.8.
27. On this see Cornell (1995), 247–248.
28. Cornell (1995), 243–247; on the importance of religion in archaic Rome see Linderski (1986); North (2000), 13–21.
29. *Res Gestae Divi Augusti*, 8 (translation from Brunt [1967]); Suet. *Iul.* 31.

30. Modern scholars have long debated on the origin of the *plebs*. For the different view see Cornell's summary and interpretation (1995), 242–247; Mitchel (1990); Drummond (1989).
31. Liv.2.32–33.
32. For a possible list see Cornell (1995), 253.
33. For details see Cornell (1995), 336.
34. See Homo's interpretation (1929), 21–46.
35. On the consolidation of the *nobilitas* see Ferenczy (1967); Hölkeskamp (1987), (1993).
36. Plut. *C. Gracch.* 5.2; App. *BCiv.* 1.22; Tac. *Ann.* 12.60. In the middle of the second century BCE Polybius (6.17) indeed speaks of only two classes of citizens: senators and the people. See Hill (1952), 43.
37. See Oakley's remarks (1997), 683–684.
38. Syme (1939), 10. Syme was in agreement with Gelzer and claimed that only the consulate conferred "nobility" on a family.
39. Gelzer (1969); Syme (1939), 10.
40. Brunt (1982).
41. Flower (1996), 53–70; Afzelius (1945). Until 241 there were only five curule magistracies: two consuls, one praetor, and two curule aediles.
42. Brunt (1982); Hopkins (1983).
43. Cato the Elder, one of the key political figures during the first half of the second century BCE, was a *novus homo* who climbed to the top with the assistance of the patrician Valerii (Plut. *Cat. Mai.* 3). His great great son, Cato the Younger, who played an important role in the crisis that led to the civil war in 49, was considered an integral member of the *nobilitas*.
44. Wiseman (1971), 1–12.
45. *Leg. Agr.* 2.3.
46. Plutarch (*Mar.* 7.4–8) recounts that Quintus Caecilius Metellus (the later Numidicus) who commanded the war against Jugurtha in Africa, cynically asked Marius "Dost thou purpose to leave us, my good Sir, and sail for home, and stand for the consulship? Pray will it not satisfy thee to be fellowconsul with this my son?" It should be noted that Metellus' son was a mere youth at that period.
47. Cic. *Sest.* 21.
48. *Verr.* 2.5.181.
49. On *virtus* and its various meanings see Hellegouarc'h (1963), 472–488. See also Sall. *Iug.* 85.
50. Cic. *Verr.* 2.4.81; 2.5.181; *Planc.* 17; *Fam.* 1.7.8.
51. Sall. *Cat.* 31.7: *inquilinus civis urbis Romae*.
52. Cic. *Att.* 1.10.16.
53. Cic. *Phil.* 3.15.
54. Liv.1.43; Dion.Hal. *Ant. Rom.* 4.18; Cic. *Rep.* 2.22.
55. Brunt (1988), 164–193.
56. Polyb. 2.24.
57. See also Badian (1972), 67–81; Feig Vishnia (1996), 34–43.
58. Julius Caesar's aunt married Marius. Caesar himself was engaged to a girl from a rich equestrian family (Suet. *Iul.* 1). L. Cornelius Sulla, who had very little means at the beginning of his career was married to at least one woman from an equestrian family (Plut. *Sull.* 6). See also Brunt (1988), 147.
59. Feig Vishnia (1996), 44–48; 73–74.
60. *Ibid.*, 168–169.
61. Badian (1972), 62–63.
62. On the province's economic importance see Cic. *Leg. Man.* 4–5; 16–19.
63. On the law courts see p.128.

64. Plin. *NH* 33.34; see also Hill (1952), 87–112.
65. Marius was elected to a seventh consulate in 87 but died shortly afterwards. On the electoral power of the *equites* in general and publicans in particular see Feig Vishnia (1998).
66. Cic. *Leg.* 3.20.
67. Varro as cited by Nonius Marcellus 728L.
68. On the rural *plebs* see Evans (1980), 73–132.
69. On the urban *plebs* in the first century BCE see Oats (1934); Yavetz (1958); Brunt (1971), 376–390; Gruen (1974), 352–256; Purcell (1994).
70. Contemporary sources indicate that during the last decades of the Republic, some 320,000 residents of Rome were eligible to buy grain at subsidized prices.
71. Brunt (1971), 376–390; Treggiari (1969), 31–36.
72. The enfranchisement of freedmen is attributed to Servius Tullius. Dionysius of Halicarnassus (*Ant. Rom.* 4.22.4) relates that the Macedonian king Philip V (r. 221–179) saw in this practice one of the reasons for Rome's power. See also Treggiari (1969), 1–16.
73. Cornell (1995), 280.
74. Twelve Tables 4.2 with Crawford (1996), 2.631–632; Watson (1975), 92–93, Cornell (1995), 280–284.
75. Liv. 7.16.7.
76. App. *BCiv.* 1.100 relates that Sulla himself released more than ten thousand slaves.
77. Vell. Pat. 2.4.9–10.
78. *Comment. Pet.* 54.
79. Juv. 3.60–64: “I cannot abide, Quirites, a Rome of Greeks, and yet what fraction of our dregs comes from Greece? The Syrian Orontes has long since poured into the Tiber, bringing with it its lingo and manners, its flutes and its slanting harp-strings; bringing too the timbrels of the breed and the trulls who are bidden ply their trade in the circus.”
80. Brunt (1971), 386–387.
81. Taylor (1960), 132–149; Feig Vishnia (1996) 157–161.
82. Hopkins (1978), 115–132; Badian (1958), 2–3.
83. Plut. *Cat. Mai.* 21.
84. *Ibid.*
85. Cic. *Off.* 1.151. See also Liv. 21.63.4.
86. Cic. *Off.* 1.150–151.
87. Purcell (1994), 663.
88. Lintott (1999), 177.
89. *Comment. Pet.* 16.19.
90. Mouritsen (2001), 149–151
91. Plut. *Num.* 17.2–3.
92. *Comment. Pet.* 30.
93. Gruen (1974), 228.
94. On the *collegia* see also Yavetz (1983), 88–95.
95. Cic. *Rep.* 1.39.
96. Val. Max. 7.5.2.

Notes to Chapter 3

1. Cic. *Rep.* 2.2; 2.37.
2. Liv. *Praef.* 9; see also Cic. *Rep.* 2.4.
3. Nicolet (1980), 22.

4. Cornell (1995), 75–77.
5. *Rep.* 1.39 see also 1.49
6. See Tac. *Hist.* 1.15.1; *Ann.* 1.3.7; Livy 2.1.1.
7. Liv. 2.1.
8. Tac. *Ann.* 1.1.
9. See Sellers (2004).
10. Cic. *Rep.* 2.43; on *libertas* as a political idea see Wirszubski (1950).
11. Liv. 3.34.6.
12. On Roman society as reflected in the Twelve Tables, see Watson (1975); Cornell (1995), 272–292; see also Eder (1986).
13. Crawford (1996), 699–700.
14. Cic. *Leg.* 2.59.
15. Tac. *Ann.* 3.27: *corruptissima re publica, plurimae leges.*
16. On Polybius see Walbank (1972); (2000); Eckstein (1995); Champion (2004).
17. Von Fritz (1954); Walbank (1957–1959), 1.635–696.
18. On the relation of Cicero's two essays to Plato's works see Powell (2001).
19. *Ibid.*, 24–25.
20. For a short and clear accounts of the Roman “constitution” see Brennan (2004); North (2006).
21. The word *magistratus* derives from *magister* meaning leader, chief, head. The most comprehensive treatment is still that of Mommsen (1887–1888), on which the following sections largely rely.
22. Feig Vishnia (1996), 82–85.
23. On this see Cornell (1995), 227–228.
24. Liv. 42.9.8.
25. Thus Badian (1959).
26. See Feig Vishnia (1996), 116–123.
27. Liv. *Epit.* 56. Only several years after this prohibition, Scipio Aemilianus was elected to the consulate twice in 147 and in 134.
28. On this see Feig Vishnia (1996), 51–54.
29. These were invested on the *rex sacrorum*. Liv. 2.2.1–2; Dion. Hal. *Ant. Rom.* 4.74; 5.1. See Cornell (1995), 233–236.
30. Omens and prodigies were interpreted by the *augures* and the *haruspices*.
31. Feig Vishnia (1996), 181–188.
32. Cic. *Rep.* 54.
33. Former consuls, like Cicero, who did not wish to assume a provincial command, were able to evade this mission.
34. Dio Cass. 40.56.1. Due to an insufficient number of former consuls who met this criterion, Cicero was required in 51, much against his will, to assume command of the province of Cilicia for a period of one year.
35. Cic. *Off.* 1.77.
36. Cic. *Mur.* 38: *imperatores enim comitiis consularibus, non verborum interpretes.*
37. Sall. *Cat.* 9; Caes. *BCiv.* 1.5.
38. On the praetorship in general see Brennan (2000); (2000a).
39. The term was apparently not new, but was ascribed to the highest magistrates in the early Republic, later called consuls. See Brennan (2000), 58.
40. Administratively, Sardinia and Corsica formed one unit.
41. Liv. 2.33.1–2; Dion. Hal. *Ant. Rom.* 6.8.
42. Liv. 6.42.12.
43. Plutarch recounts (*Caes.* 5.8–9) that as curule aedile, Julius Caesar provided three hundred and twenty pairs of gladiators, theatrical performances, processions, and public banquets, and with this “he put the people in such humor that every man of them was seeking out new offices and new honors with which

- to repay him." Cicero (*Off.* 2.58) tells of a certain Mamercus who avoided holding the aedilate because of the prospective expenses, and therefore failed to be elected consul.
44. In the constitution Cicero devises in his essay on the laws (*Leg.* 3. 7) he does not differentiate between plebeian and curule aediles.
45. In 391, the quaestor Sp. Carvilius indicted Camillus for appropriating a bronze door from the booty of Veii (Plin. *NH* 34.13). Lintott (1999), 134; 151–152, believes that there is no connection between royal and republican quaestorships.
46. On the significance of the functions of the urban quaestors see Plut. *Cat. Min.* 16–17.
47. See Harris (1976). In Sicily, two quaestors assisted the governing praetor, one was stationed in Syracuse, the other in Lilybaeum. This had probably to do with the grain supply to Rome. See Cic. *Verr.* 2.44; *Planc.* 65.
48. See Feig Vishnia (1996), 198–204.
49. Gell. 14.7.4.
50. Cic. *Leg.* 3.19.
51. On the role of the tribunes in Roman politics in the aftermath of the struggle of the orders, see Feig Vishnia (1996), 195–204; Plut. *C. Gracch.* 20.1–2.
52. Feig Vishnia (1996), 176–194.
53. Liv. *Epit.* 48; 55; 59; Cic. *Leg.* 3.9; Dio Cass. 37.50.
54. As the cooperation between Marius and the tribunes of the *plebs* Manlius (in 107) and Saturninus (in 103 and 100); between Pompey and Gabinus (in 67) and Manilius (in 66); Julius Caesar and Vatinius (in 59), Curio (in 50) and Antonius (in 49).
55. Cic. *Leg.* 3.22; 26; Sall. *Cat.* 38.1.
56. On the judicial powers of the tribunes Feig Vishnia (1996), 73–74.
57. The most famous case is that of Publius Clodius Pulcher, tribune of the *plebs* in 58.
58. For a comprehensive treatment of the military tribunate see Suolahti (1955), 35–187; 307–320.
59. On the significance of this office see Hamilton (1989).
60. Lintott (1999), 131–138.
61. Liv. 4.8.2. Tradition had it that at first the censors were in office for five years, but that this practice was stopped by the dictator Mam. Aemilius Mamercus who enacted a law in 434 limiting the censors' term in office to eighteen months: Liv. 4.24.4–9.
62. Livy reports (10.47.1–3) that between 443 and 294 there had been twenty-six pairs of censors, and only twenty-one *lustra* (the ceremony completing the *census*). Had the five-year gap between elections known from later periods been rigorously adhered to, there should have been thirty pairs of censors and thirty *lustra*. Obviously, the "censorial" patterns that characterized Rome from the third to the first centuries did not prevail in earlier periods. Cicero (*Leg.* 3.7) recommended that censors should hold office for the entire five years.
63. Liv. 4.8.2.
64. Gaius Marcius Rutilius Censorinus was censor in 294 and 265. During his second term he initiated a law that forbade repetition in this office for which he was surnamed Censorinus: Val. Max. 4.1.3; Plut. *Cor.* 1.1.
65. Nonetheless the tribunes could not interfere with the *census* itself.
66. Liv. 5.31.6.
67. Liv. 39.44.2–4; Plut. *Cat. Mai.* 18.
68. Gell. 4.3.2; 17.21.44. See also Feig Vishnia (1996a).
69. Liv. 1.44; Dion. Hal. *Ant. Rom.* 4.22. The first *lustrum* was held in 566 by Servius Tullius after the completion of the first *census*. Since the *lustrum* was held every

- five years the word came to denote a period of five years.
70. Liv. 24.43.1–4; 29.37.8–17; 39.44.1; Val. Max. 2.9.6; Plut. *Pomp.* 22.3–4.
 71. For the various enterprises that were carried out by the *publicani* through contracts see Polyb. 6.17.
 72. Such as celibacy, divorce, mistreatment of one's family members and slaves (in private life), as well as improper conduct on the battlefield or neglect in carrying out state-missions in public life. They could remove a senator on grounds of bankruptcy or loss of property, gross breach of trust or deplorable moral conduct. The *nota* was not permanent and could be removed by the following pair of censors.
 73. See Astin (1988).
 74. Feig Vishnia (1989).
 75. Cic. *Sest.* 55; *Prov. Cons.* 46.
 76. See also: Cic. *Rep.* 1.63; 2.56.
 77. Dio Cass. 36.17. A unique exception to the rule occurred during the First Punic War (in 249) when the dictator Aulus Atilius Calatinus led an army outside Italy Liv. *Per.* 19; Zon. 8.15.
 78. After Sulla's reform there was no more need for a dictator to hold the elections as both consuls remained in Rome during their year of office.
 79. Liv. 23.22.10–23.8. See Feig Vishnia (1989), 58–59.
 80. Plut. *Sull.* 33.1; App. *BCiv.* 1.3.
 81. There are conflicting views on the date Sulla's retirement. Some believe that he stepped down from the dictatorship in 80, others in 79. See Keaveney (1982), 168–176.
 82. Caes. *BCiv.* 2.21.5; App. *BCiv.* 2.48.
 83. Suet. *Iul.* 77.
 84. Liv. 8.23.11–12; 7.26.7.
 85. See Feig Vishnia (1996), 62–69.
 86. *Ibid.*, 197.
 87. The young Scipio, who had previously been only aedile, was granted proconsular command in 210 by a popular vote: Liv. 26.18–20; Val. Max. 3.7.1.
 88. The number of promagistrates pretty much corresponded to that of the provinces.
 89. *Honor* (or *honor*) in Latin means position, office, post.
 90. Feig Vishnia (1996), 161–176.
 91. Liv. 40.44.1.
 92. Astin (1958).
 93. See Varro's commentary presented to Pompey the Great when the latter was consul for the first time in 70, on the senate's procedures Gell. 14.7.
 94. Senators that were added to the original *patres* were called *conscripti* (enrolled), hence the formula with which the senate was addressed: *patres conscripti* or *patres et conscripti*. See Cornell (1995), 247; 258.
 95. App. *BCiv.* 1.100; Dio Cass. 43. 47; Suet. *Iul.* 80.
 96. On the date of the law see Cornell (1995), 248.
 97. Festus 290L.
 98. As can be seen in the extraordinary *lectio* conducted by a dictator in 216; Liv. 23.22.10–23.8.
 99. Large-scale expulsions such as those conducted in 131 and in 70 were extremely rare; Liv. *Per.* 59; 98.
 100. These were considered as enjoying the *ius sententiae dicendae*. See Feig Vishnia (1989).
 101. *Ibid.*
 102. Former censors enjoyed considerable prestige and influence, but were

- considered (as former consuls themselves) part of the *consulares* rather than a separate group.
103. Despite their unique powers while in office, the *tribunicii* in the senate ranked the lowest.
 104. The etymology and meaning of *pedarii* was obscure even for ancient writers who debated its meaning. See Gell. 3.18.3–10; Ryan (1998), 52–77.
 105. In fact, there were three senate-houses. The original senate building, the *curia Hostilia*, ascribed to Rome's third king Tullus Hostilius, stood at the northeastern corner of the *Comitium*. It was repaired by Sulla in 80. In 52, the building was burnt down when the enraged supporters of Clodius Pulcher, who had been killed in a clash with Milo's gangs, set his funeral pyre in the *curia*. It was rebuilt by Sulla's son in 52. In 55, Pompey built the *curia Pompeii* (in which Caesar was murdered on the Ides of March 44) next to his theater on the *campus Martius*, and Julius Caesar started building the *curia Iulia* in the *Comitium* in 45, which was completed only in 29 by Augustus. See Bonnefond-Coudry (1989), 1–156.
 106. On meeting venues beyond the *pomerium* see Gell. 14.7.7. See also Taylor and Scott (1969); Lintott (1999), 72–75.
 107. Namely: dictators, consuls, praetors, plebeian tribunes, and *interreges*. During the early republic the decemvirs who compiled the Twelve Tables and the military tribunes with consular powers had this right as well. It was debated whether the city prefect, an ancient magistracy that went back to the monarchy and had only a religious role under the Republic (presiding over the Latin Festival), could convene the senate: Gell. 14.7.4–5; 14.8.
 108. Gell. 14.7.12 records that some jurists claimed that a division had to take place even if the senators had voted orally.
 109. Feig Vishnia (1989).
 110. Suet. *Iul.* 20.1.
 111. Suet. *Aug.* 36.1.
 112. As for example, in 191, on the eve of the war against Antiochus III: Liv. 36.3.3.
 113. A senator who failed to appear when specifically summoned to a meeting was fined: Gell. 14.10. Cicero (*Phil.* 1.5) implies that the house was fuller during discussions on granting public thanksgiving and triumphs, although attendance was not obligatory, because senators came to show their good-will towards the persons to be honored. In his essay on the laws (*Leg.* 3.4), Cicero suggested that senators who could not provide a good excuse for their absence would be held culpable. See also Plut. *Cic.* 43.6–8.
 114. On the term *plenus senatus* and its numerical meaning see Bonnefond-Coudry (1989), 357–436 ; Ryan (1998), 13–52.
 115. A tribunician measure (*lex Cornelia*) enacted in 67 ruled that only a quorum of two hundred senators could allow exemption from laws. One of the best attended sessions (for which we have exact numbers) took place on December 1, 50 when the senate was forced to vote on the motion proposed by the tribune Gaius Scribonius Curio that both Pompey and Caesar give up their command and disarm; 392 senators voted: 370 were in favor, 22 against.
 116. Livy (21.63.3–4) is our only source on the law. On its interpretation: Feig Vishnia (1996), 34–43. On its obsolescence: Cic. *Verr.* 2.5.45. Some of its stipulations were included in Caesar's *lex de repetundis* in 59.
 117. Cornell (1995), 245–251.
 118. Cavaignac (1932).
 119. Since the *interrex* could stay in office for five days only, and the first *interrex* was forbidden to hold elections, at least two *interreges* had to be appointed to complete the process. On one occasion we read of an eleventh, and in another of a fourteenth *interrex* (Liv. 7.22.9–3; 8.23.17), but such cases were rare.

120. Such as the prerogation of *imperium* and exemption from laws.
121. When property tax was still being collected, a practice that ended in 167.
122. Polyb. 6.13; 15.
123. Cic. *Cat.* 1.30.
124. Sall. *Cat.* 29.
125. The terminology is derived from Caesar (*BCiv.* 1.5).
126. Julius Caesar questioned the extralegal rights bestowed upon the consuls within the framework of the SCU and objected to the putting of death without trial of those who had participated in Catiline's conspiracy: Sall. *Cat.* 51.35: "I fear nothing of that kind for Marcus Tullius or for our time, but in a great commonwealth there are many different natures. It is possible that at another time, when someone else is consul and is likewise in command of an army, some falsehood may be believed to be true. When the consul with this precedent before him shall draw the sword in obedience to the senate's decree, who shall limit or restrain him?"
127. Plut. *C. Gracch.* 18.1: "this Opimius, who was the first consul to exercise the power of a dictator, and put to death without trial, besides three thousand other citizens, Caius Gracchus and Fulvius Flaccus, of whom one had been consul and had celebrated a triumph, while the other was the foremost man of his generation in virtue and reputation."
128. On the popular assemblies in general and each in particular see esp. Mommsen (1887–1888); Botsford (1909); Taylor (1966); Staveley (1972); Lintott (1999), 40–66.
129. Table 12.5 with Crawford (1996), 2.721; Liv. 7.17.12; 9.33.8–9; 34.6–7. See also Cic. *Balb.* 33.
130. Cic. *Flac.* 15–17; *Brut.* 289. *Leg. Agr.* 2.13.
131. Jones (1972), 2–39.
132. On the Roman calendar see Ogilvie (1965), 95–96, and Michels (1967).
133. Mac. *Sat.* 1.16.34.
134. See Lintott (1999), 44 n. 26.
135. On voting procedures see in more detail see p.119.
136. Cic. *Leg. Agr.* 2.10.11–12.
137. Cic. *Leg. Agr.* 2.27–32.
138. Liv. 1.43; Dion. Hal. *Ant. Rom.* 4.21.3.
139. On the debate see Jakobson (1993).
140. Mouritsen (2001), 18–37.
141. The flag continued to be flown on the Janiculum long after Rome had expanded in Italy and overseas, and as late as 63 the lowering of the flag was used to disperse a session of the *comitia centuriata* for political reasons.
142. There is only one text referring to the difference between *comitia* (derived from *cum* and *ire* literally to come together, to meet) and *concilium* (Laelius Felix cited in Gell. 15.27.4): *comitia* is defined as an assembly of the whole people, and *concilium* an assembly of part of the people (since only plebeians could participate). These definitions, however, drawn up during the Principate have no corroboration in the writings of Cicero and Livy; see Botsford (1909), 119–138.
143. Taylor (1966), 61.
144. The tribal assemblies are often referred to in modern works as if they comprised one body called *comitia plebis tributa*, a term that does not appear in the ancient sources. On this see Taylor (1966), 60; Nicolet (1980), 224–226; Lintott (1999), 50–55.
145. Taylor (1966), 15–33.
146. Kunkel (1966), 61–62.
147. Jones (1972), 1–39.

148. Initially the tribunes did not have judicial rights: Gell. 13.12; Feig Vishnia (1996), 73.
149. Polyb. 6.14.5.
150. The translation is W.R. Patton's for Loeb with corrections inserted by Walbank. Despite the use of the word *tribus*, this is undoubtedly a reference to the centuriate assembly after the reforms. See Walbank (1957–1959), 2.682–683. Praeneste today is Palestrina (about 40 km southeast of Rome); Tibur is modern Tivoli (approx. 27 km east of Rome). After the Social War the exiled departed to cities outside Italy among which Massilia (Marseille) was the most prominent.
151. On voluntary exile see Kelley (1996), 16–18.
152. Feig Vishnia (1996), 72–85; 127–146.
153. Tacit. *Ann.* 12.60.4
154. The courts dealt with: murder and poisoning, forgery; electoral abuse (*ambitus*), peculation, theft, assault, extortion and treason. See also Gruen (1968).
155. As was the trial against Rabirius who had been indicted for the murder of Saturninus thirty-seven years previously. See Jones (1972), 40–44.
156. Kunkel (1966) 60–71; Jones (1972) 43–85.
157. On the secrecy of the vote see p.129.
158. Kelley (2006), 14–16.
159. Gell. 12.12.2–4.
160. *Comment. Pet.* 19–29; 50–51.
161. Alexander (1985).
162. L. Aurelius Cotta and L. Manlius Torquatus who were elected consuls for 65 were convicted for electoral abuse before entering office. Their accusers, Publius Cornelius Sulla and Publius Autronius Paetus, who had originally lost the elections, were elected in their stead.
163. Plut. *Caes.* 4.1.
164. Plut. *Cic.* 4.
165. Cicero warns about excess litigation: *Off.* 2.50.
166. Cicero claimed that some of judges at Clodius' trial grew richer after the latter's acquittal.
167. This became an issue of contention: see p.25.
168. Jones (1972), 80–82.
169. Jones (1972), 3–4; Feig Vishnia (2008).

Notes to Chapter 4

1. Staveley (1972), 145. The praetorian elections for 66 were halted twice in mid-process (for reasons unknown) and completed only when held for the third time. Cicero, who was a candidate at that time, boasted (*Leg. Man.* 2) that he headed the list of those elected on all three occasions, which implies that the elections were stopped after the second-class *centuriae* had voted.
2. Polyb. 6.19.1–2.
3. *Att.* 1.1.1.
4. Eussner (1872); Henderson (1950); Balsdon (1963); Nisbet (1964); MacDermott (1970); Nardo (1970); Hendrikson (1982); Morstein-Marx (1988); Tatum (2007); Alexander (2009).
5. David et al. (1973).
6. *QFr.* 1.1.38.
7. In a recent article Alexander (2009), 387 argues that the real purpose of the *Handbook* was “to poke fun at elections and at what candidates had to do to win them. According to it, elections make the candidates debase themselves before

the voters. . . . Since the *Commentariolum Petitionis* does not attempt to provide a serious description of the Roman campaigning, its prescriptions should not be taken as serious advice to candidates.” I do not agree with his conclusions. It is difficult to grasp why such a “satire,” as Alexander interprets the *Commentariolum*, was written specifically on Cicero’s campaign, that of a *novus homo* and probably much different than that of a *nobilis* who had to do nothing but brag of his ancestors. See Cic. *Verr.* 2.5.180: “But I have not the same privileges as men of noble birth, who sit still and see the honors of our nation bestows laid at their feet.” See also Cic. *Sest.* 21; *Att.* 4.8.a; *Sall. Jug.* 85.

8. See Yavetz (1974).
9. *Ibid.*
10. Polyb. 6.12.
11. Brunt (1988), 35–36.
12. In 56, in his speech in defense of Sestius, Cicero expanded the term, substituting it with the word *boni* (the good ones) to include anyone outside the senate who recognized it as the supreme seat of power and adhered to the traditions and customs of the forefathers. See Morstein-Max (2004), 229.
13. Brunt (1971a), 78–79.
14. Due to the unrest in the city that followed the suppression of Catiline’s conspiracy, Cato the younger, who was tribune of the *plebs* in 62, convinced the senate to reduce the price of the subsidized grain: *Plut. Cat. Min.* 26.1; *Caes.* 8.4.
15. Taylor (1949), 7.
16. Syme (1939), 157.
17. Brunt (1988), 351–381.
18. Hellegouarc’h (1963), 41–62.
19. On political catchwords during the last decades of the Republic see Syme (1939), 149–161.
20. *Res gestae divi Augusti*, 1: *Annos undeviginti natus exercitum privato consilio et privata impensa comparavi, per quem rem publicam a dominatione factionis oppressam in libertatem vindicavi.*
21. On *coitio* see Hellegouarc’h (1963), 91–95.
22. *Att.* 1.17.11.
23. Taylor (1949), 68.
24. Cic. *Parad.* 46; *Planc.* 53.
25. *Att.* 1.2.
26. Mommsen (1887–1888); Botsford (1909); Taylor (1966); Staveley (1972); Nicolet (1980); Lintott (1999).
27. The *augures* were a college of priests (fifteen during the late Republic) whose role it was to interpret the will of the gods by the observation of celestial phenomena such as thunder and lightning and by studying the flight of birds.
28. Nicolet (1980), 267–270.
29. *Plut. Cat. Min.* 46.
30. Staveley (1972), 179–180.
31. Taylor (1966).
32. *Dio Cass.* 53.25.2.
33. The archaeological finds suggest that the edifice was 310 meters long and 120 in width.
34. Taylor (1966), 54.
35. MacMullen (1980), 454; Mouritsen (2001), 30.
36. Nicolet (1980), 291.
37. Mouritsen (2001), 30.
38. *Comment. Pet.* 28.
39. *Comment. Pet.* 33.

40. Plutarch (*Mar.* 5) relates that when Marius stood for the aedilite, the four aediles were elected in one day, first the curule and then the plebeian aediles.
41. Taylor (1960), 303–309.
42. Cic. *Sest.* 109.
43. Feig Vishnia (1998).
44. Cic. *Mur.* 71.
45. Feig Vishnia (2008).
46. On the authors of the ballot laws their families and careers see Gruen (1991), 258–259; Dyck (2004), 531–532.
47. *Leg.* 3.37.
48. For a full bibliography see: Yakobson, (1999), 124 n. 2; see also Mouritsen (2001), 75–76; Millar (1984), 18.
49. Gruen (1991), 191; Harris (1989), 168–170; id., (1990), 293; Mouritsen (2001), 75–76. See also Feig Vishnia (2008), 335 n. 6.
50. Gruen (1991), 257–262; Harris (1989), 168–170; Hall (1990), 194–199.
51. Meier (1966), 128–129.
52. Ibid. Thus also Gruen (1991), 261: “the voting measures gained passage with little resistance and remained in force without recorded efforts of appeal.”
53. Yakobson (1999), 128.
54. Plut. *Mar.* 5. A servant of Cassius Sabaco, a senator and a friend of Marius, was spotted in the *saepula*. Sabaco was summoned before a court and testified that his servant had only brought him water and then left. Nonetheless, he was condemned and expelled from the senate.
55. Plut. *Cat. Min.* 46.2.
56. In 61, when the consul M. Pupius Piso (Calpurnianus), was forced to propose the law to establish a special court to try Clodius, no tablets inscribed with *uti rogas* were distributed and the consul was scolded. This suggests that at least in this case, the ballots were inscribed ahead and the voters either received two tablets or chose from two pools of already inscribed wax tablets (*A* and *U* respectively). If this indeed is what the Ciceronian text (*Att.* 1.14.5–6) implies, than secrecy was no more than a charade.
57. *Leg. Agr.* 2.4: “and yet nothing can be more glorious and more illustrious than the fact that at the *comitia* at which I was elected [consul] you did not hand in your voting tablet, whose secrecy guarantees the freedom of your vote, but showed by universal acclamation your goodwill and attention to me.”
58. *Leg.* 3.34; 3.39: “By this means the result which you just mentioned, Quintus, is already accomplished—that the ballot condemns a smaller number than were condemned by the oral vote. . . .” Thus Quintus complains that (3.34): “for this very reason we have records of severer condemnations of powerful men under the oral method of voting than when the ballot was used.” And, if there might be some uncertainty as to Quintus’ somewhat vague use of the word *iudicia*, Cicero’s endorsement of his brother’s observation leaves little room for doubt.
59. *Leg.* 3.38–39.
60. It is very likely that wax tablets were first introduced in the various special courts that emerged during the second century BCE and were conducted by appointed magistrates or senators without the participation of a popular assembly, see Feig Vishnia (1996), 137. They dealt mostly with magisterial mistreatment of allies. Since senators judged a fellow senator, it is reasonable to assume that each judge gave his verdict in full confidentiality. The secret ballot was most probably adopted in the *lex Calpurnia repetundarum* of 149 and is a prominent feature of the Gracchan *lex repetundarum* according to which the jurors were not allowed to discuss the verdict amongst themselves, and each juror had to swear never to reveal his verdict to his colleagues. The jurors were

not to intervene or make speeches during the hearing, and they swore to observe the rules of procedure for the proper trying of a case—subject to immediate penalties for breach of the duties to which they were sworn (lines 44–46). As to the manner of vote—the jurors were handed a single ballot of a specified size (presumably one that could be covered by their fingers) inscribed with A on one side and C on the other, and ordered by the praetor to delete one (the lines describing how this was to be done are lost but it is clear from what follows that it was done in secrecy). After each juror made his choice, he had to hold the ballot in front of him with his arm open to view (to show that he was placing only one ballot?) and with his fingers covering the ballot in order to conceal his choice (lines 50–51). See Lintott (1992), 22–23.

61. See Wirszubski (1950), 50, and Hall (1990), 199: “I have no reason to deny that the Romans themselves came to accommodate the secret ballot within the theoretical picture of popular sovereignty. . . .”
62. The anonymous author of the *Ep. ad. Caes.* 7.11–12 suggested both that members of the first class should be eligible for the jury courts, and that the number of jurors be somewhat increased. It must be stressed, however, that there is no clear indication that the author had bribery in mind. He calls in general to reduce the importance of money and to grant the less wealthy equal opportunity. He invokes Rhodes as an example where rich and poor citizens alike, according to the lot, sat together at the courts.
63. *Ep. ad. Caes.* 11.2–7 does not refer to the courts but to senatorial procedures. On the authenticity and date of this pamphlet see Feig Vishnia (2008), 344 n. 68.
64. This is perhaps the controversy referred to in Plin. *Epist.* 3.20.1.
65. See *Parad.* 27–32. Cf. also 17–18. In both cases Clodius is not mentioned by name.
66. The court that was set up to try Clodius was indeed extraordinary but the composition of its judges and its procedures were identical to that of the permanent courts. *Att.* 1.16 *passim*. On the trial see Tatum (1999), 62–86.
67. *Att.* 1.16.1–5; 10.
68. See Feig Vishnia (2008), 345 n. 75.
69. As is attested by the urgent construction of the *aqua Marcia* in 144–140, Front. *aq.* 1.7; Plin. *NH* 3.141; 33.57; 36. 21.
70. See Coarelli (1977), 1–23 esp. 20–23 for a full list of the building activity in Rome during those years.
71. Cic. *Amic.* 96; Varro, *Rust.* 1.2.9. I agree in general with Mouritsen’s (2001), 18–38 estimations of the number of voters. I don’t agree, however, that Licinius’ move “may not have been a practical solution to a spatial problem; rather it seems to have been closely linked to his general stance of defiance against the senate” (20). See also Taylor (1966), 109.
72. Taylor (1966), 23; 41; Staveley (1972), 152, who draws attention to Liv. 25.3.14; 34.1.14; 45.36.6.
73. Taylor (1966), 34–58; Staveley (1972), 152–158.
74. Staveley (1972), 188 holds that at the electoral assemblies the written ballot speeded up the vote, if indeed the voters ascended the *pons* with a ballot already inscribed, which seems to have been the case (see below). Hall (1990), 197, believes, on the other hand, that the secret ballot “would most certainly have slowed down voting” but does not explain why. On the relatively short duration of elections see Mouritsen (2001), 30–31.
75. For a comprehensive bibliography on the subject see Lintott, (1990), 1; Yakobson, (1992) 3 n. 2; Yakobson (1999), 22–43.
76. On the spatial aspects of *ambitus* see Festus, 5.5; 15.20 L with Deniaux (1987). See also Lintott (1990), 2; Hellegouarc’h (1963), 208–211.

77. Lintott (1990), 3–4; Linderski (1985).
78. Cic. Att. 4.15.8; *Planc.* 55: *gratuita suffragia*; *QFr.* 2.15.4: *comitia si gratuita fuerint*.
79. Liv. *Epit.* 47 is our only source. Since most of the *leges de ambitu* were consular, it is usually assumed that the law was enacted by the consuls of 159 hence it is often referred to as the *lex Cornelia Fulvia*. Polybius (6.56.4), who compared the regime of Carthage with that of Rome, noted that “in Carthage, only those engaged in open bribery attain positions of power, while in Rome the penalty for such actions is death.” Given the date in which he wrote, some believe that death was the penalty introduced by the law of 159 on those convicted, but there is no support for this contention in the Roman sources. Others believe, with a fair amount of justification, that the law established that the accused be tried by the centuriate assembly, which was authorized to strip a Roman citizen of his rights, and may explain why Polybius concluded that “the penalty [. . .] is death.” See Bauerle (1990), 43–45.
80. Gruen (1968), 124; 260.
81. Bauerle (1990) 50–52.
82. Dio Cass. 36.38.1–2.
83. Wiseman (1969), 59–65; id. (1971), 124–125. See also Cic. *Planc.* 21.
84. Cornelius’ proposal demanded harsher punishments for the convicted and somehow implicated the *divisores* as well (Dio Cass. 36.38.4–39.2); Asc. 59 C. Cicero (*Mur.* 46), nonetheless, claimed that the provisions of the *lex Calpurnia* were stringent.
85. Cic. *Mur.* 67; Asc. 69 C.
86. Cic. *Sull.* 74.
87. Cicero (*Mur.* 43–64) seems to have embraced some ideas that were proposed by the jurist Servius Sulpicius Rufus during the latter’s candidacy for the consulate of 62.
88. Cic. *Mur.* 3.47, 67; *Sest.* 133; *Vat.* 37; *Planc.* 83; Dio Cass. 37.29.1; Schol. *Bob.* (Stangle), 79; 140; 66
89. *Ambitus* laws seem to have superseded each other. The tribune L. Caecilius Rufus proposed a law whose intention was to allow his half-brother P. Cornelius Sulla (and probably P. Autronius Paetus as well), who was convicted under the *lex Calpurnia de ambitu* in 66, to be punished under the less severe clauses of the *lex Cornelia* of 81 and thus be debarred from office for ten years only, but failed: Cic. *Sull.* 63; Dio Cass. 37.25.3.
90. A fact that earned Pompey Cato’s scorn (Plut. *Cat. Min.* 48.3). On the law: Cic. *Att.* 13.49.1; Asc. 36 C; App. *BCiv.* 2.23–24.
91. *Planc.* 45.
92. Cic. *De Or.* 2.105.25.
93. Cic. *Off.* 2.55–56.
94. E.g. *Mur.* 57. See also *Off.* 2.55–56.
95. As did Scipio Aemilianus who distributed great gifts and offered services to the people during his campaign for the aedilate (Polyb. 10.5.6).
96. Sall. *Cat.* 10; *Iug.* 41; Lucan. 1.160–180; Flor. 2.47.11–13. See also Tac. *Ann.* 1.2; 3.27
97. See Cic. *Verr.* 1.1.36: “to all those who are in the habit of depositing or receiving deposits for bribery or undertaking to offer or offering bribes, or of acting as go-betweens for corruption of judges in our courts.” On *interpretes* see especially Ps. *Asc. ad Verr.* 1.36 (Stangle 218). See also Cic. *Clu.* 25; 72 and below.
98. Cic. *Verr.* 1.24.
99. On the role of the *sequestres* in the law courts see Ps. *Asc. ad Verr.* 1.36 (Stangle 218).

100. Suet. *Iul.* 19.1; Cic. *Att.* 1.17.11.
101. Ibid.
102. QFr. 2.15.4 on this see Sumner (1982), 133–39.
103. Cic. *Planc.* 16; *Att.* 1.16; QFr. 2.14; Suet. *Iul.* 19.
104. *Att.* 1.16.13.
105. For the earliest known *divisores* see Cic. *Verr.* 1.22–25. It was alleged that Augustus' father C. Octavius had been a *divisor*: Cic. *Har. resp.* 42; Suet. *Aug.* 3.1.
106. On the *divisores* see: Taylor (1966) 15; Wiseman (1971), 83–84; Yakobson, (1999), 39–40.
107. Sen. *Helv.* 12.5; *Dig.* 50.16.110; see also *Dig.* 16.3.33; 16.3.12.
108. On the *sequestres* see Cic. *Cael.* 16. Seneca *Epist.* 113.3 notes that candidates work through *sequestres* and Quintilian (*Inst.* 12.8.4) uses *sequestres* and *interpretes* in the same sense—as go-betweens. See also *Comment. pet.* 57 where Cicero is advised to instill fear in his rivals' *sequestres*, but we are not told how.
109. *Per centurias* or *decuria* as suggested by the *lex Licinia de sodaliciis*.
110. Mouritsen (2001), 149–151.
111. Marcus Valerius Messala Rufus and Titus Annius Milo were indicted both *de ambitu* and *de sodaliciis*; see Bauerle (1990), 185–187; 191–192. See also Cic. *Cael.* 16.
112. Cic. *Planc.* 45.
113. For a different view see Gruen (1974), 230.
114. Lintott (1990), 6.
115. Ibid., 11.
116. Yakobson, (1999), 22–25.
117. See Mouritsen (2001), 111.
118. Cic. *Mur.* 71. See also *Rep.* 1.47.
119. Taylor (1960) 319–323. The candidates also took into account the size of the population in the tribes: Cic. *Planc.* 23–24.
120. Mouritsen (2001), 115.
121. The money raised to bribe judges can perhaps provide an idea about the sums that were offered to voters whose ballot carried weight. Cicero (*Verr.* 1.38) relates that a man of praetorian rank could not be convicted for less than three million *sesterces*. In another case (*Clu.* 68) that dealt with questions of property, 600,000 *sesterces* were allotted to bribing the judges. If we allow for a maximum of seventy-five judges per panel (and about forty to be bribed), it follows that each juror could have gained anything between 15, 000 *sesterces* to 75,000 *sesterces* and perhaps even more in important cases. See Cicero's (*Att.* 1.16.1; 5) insinuations about the thirty-one (out of a panel of fifty-six) judges who absolved Clodius in 61.
122. Hollander (2007), 59–86.
123. Caesar's expenditures are well documented: Sall. *Cat.* 49.3; Suet. *Iul.* 13; *Plut.* *Caes.* 7.1–4. He was said to have been in debt for 25,000,000 *sesterces*: *Plut.* *Caes.* 5.4; Dio Cass. 3.8.2. Cicero, who owned eight houses, complained when buying a house on the Palatine that he was so much in debt that he was prepared to join any revolution that was going (*Fam.* 5.6.2). He also encountered difficulties in paying the second installment of his daughter's dowry.
124. On the question of debt in that period see Frederiksen (1986), 128–141; on the economic differentiation within the nobility: Jaczynowska (1962), 486–499.
125. Murena was accused of bribing the equestrian centuries (Cic. *Mur.* 54).
126. A certain law, enacted in the early 60s (*Plut.* *Cat. Min.* 8) is said to have forbidden the use of *nomenclatores*. However, their employment is clearly attested a few years later (*Comment. pet.* 32; Cic. *Mur.* 77). It may well be that the law merely limited the number of *nomenclatores* that a candidate could

employ.

127. The *lex Fabia* that limited the number of *sectatores* (Cic. *Mur.* 71) is usually dated to 64; see Bauerle (1990) 61–62. This law was probably incorporated within the provisions of the *lex Tullia*.
128. Sall. *Cat.* 49.2–4; Plut. *Cic.* 20.5–7; *Caes.* 7–8.
129. Shatzman (1975), 223–225.
130. Cic. *Mur.* 16: “your nobility has to be unearthed not from current talk but from ancient documents.”
131. *Planc.* 13. Laterensis’ “nobility” also relied on none too recent ancestors. Manlius Iuventius Thalna, the only consul from this family, was elected to office in 163.
132. As Gruen (1974), 212 has pointed out, filing charges often stemmed from political reasons. For example there was much talk of bribery in the elections of 70, but none of the candidates was formally arraigned.
133. Bauerle (1990), 296.
134. Imperial writers considered *ambitus* to be one of the reasons for the collapse of the Republic. See Lintott (1990), 2–3.
135. That *ambitus* was about giving and not taking can be clearly gleaned from Cic. *Clu.* 114. The only attempt (the *rogatio Cornelia* in 67) to lay culpability on *divisores* ended in a riot.
136. Apart from those indicted under the *lex Pompeia*, some of whom were indicted retroactively, see below. See Shackleton Bailey (1970), 162–165 who stresses the fact that the only charge with which magistrates-elect could be arraigned was *de ambitu*.
137. Cic. *Mur.* 73.
138. See Cicero’s (*QFr.* 2.9.3) desperation when referring to the consuls of 55.
139. Brunt (1988), 127.
140. Taylor (1960), 313.
141. Feig Vishnia (1996), 82–85.
142. Plut. *Ti. Gracch.* 15.5.

Notes to Epilogue

1. Meier (1966); Nicolet (1980); Brunt (1982); (1988).
2. Millar (1984); (1986); (1989); (1995); (1998); (2002a); (2002b).
3. See, however, Morstein-Marx (2004), 45; 122–123, who suggests that those who participated in *contiones* came from the upper rather than the lower class. See also Jehne (2006).
4. Hölkeskamp (2010).
5. North (1990), 3–9 provides an excellent summary of the essence of this approach.
6. See Jakobson (2010).
7. Walbank (1957–1959), 1. 674–675.

Bibliography

- Adcock, F. E. 1966. *Marcus Crassus, Millionaire*. (Cambridge).
- Afzelius, A. 1945. "Zur Definition der römischen Nobilität." *C&M* 7: 150–200.
- Alexander, M. C. 1985. "Praemia in the Quaestiones of the Late Republic." *CPh* 80: 20–32.
- Alexander, M. C. 2009. "The *Commentariolum Petitionis* as an Attack on Election Campaigns." *Athenaeum* 97: 31–57; 369–395.
- Astin, A. E. 1958. *The Lex Annalis before Sulla*. (Bruxelles).
- Astin, A. E. 1988. "Regimen Morum." *JRS* 78: 14–34.
- Badian, E. 1958. *Foreign Clientelae*. (Oxford).
- Badian, E. 1959. "Caesar's *Cursus* and the Intervals between Offices." *JRS* 49: 81–89.
- Badian, E. 1972. *Publicans and Sinners*. (Oxford).
- Balsdon, J. P. V. D. 1963. "The *Commentariolum Petitionis*." *CQ* 13: 242–250.
- Bauerle, E. A. 1990. *Procuring an Election: Ambitus in the Roman Republic, 432–49 B.C.* (Ann Arbor PhD. Dissertation).
- Beard, M. and Crawford M. H. 1985. *Rome in the Late Republic: Problems and Interpretations*. (London).
- Bonnefond-Coudry, M. 1989. *Le Sénat de la République Romaine*. (Rome). Boren, H. C. 1968. *The Gracchi* (New York).
- Botsford, G. W. 1909. *The Roman Assemblies*. (New York).
- Brennan, C. T. 2000. *The Praetorship in the Roman Republic: Origins to 122 BC* (New York and Oxford).
- Brennan, C. T. 2000a. *The Praetorship in the Roman Republic: 122 to 49 BC*. (New York and Oxford).
- Brennan, C. T. 2004. "Power and Process under the Republican 'Constitution'", in Flower, H. (Ed.): 31–64.
- Broughton, T. R. S. 1951–1952. *The Magistrates of the Roman Republic*. 3 Vols. (New York).
- Broughton, T. R. 1991. *Candidates Defeated in Roman Elections: Some Ancient Romans Also-Rans*. (Philadelphia).
- Brunt, P. A. and Moore, J. M. 1967. *Res Gestae Divi Augusti: The Achievements of the Divine Augustus*. (London).
- Brunt, P. A. 1971. *Italian Manpower*. (Oxford).
- Brunt, P. A. 1971a. *Social Conflicts in the Roman Republic*. (London).
- Brunt, P. A. 1982. "Nobilitas and Novitas." *JRS* 72: 1–17.
- Brunt, P. A. 1988. *The Fall of the Roman Republic and Related Essays*. (Oxford).
- Carik, E. M. (Ed.). 1990. *Owls to Athens: Essays on Classical Subjects Presented to Sir Kenneth Dover*. (Oxford).
- Cavaignac, E. 1932. "Le Sénat de 220: Étude Démographique." *REL* 10: 458–486.
- Champion, C. B. 2004. *Cultural Politics in Polybius's Histories*. (Berkeley, Los Angeles, and London).
- Coarelli, F. 1977. "Public Building in Rome between the Second Punic War and Sulla." *PBSR* 45: 1–23.
- Cornell, T. J. 1995. *The Beginnings of Rome*. (London and New York).
- Crawford, M. H. 1978. *The Roman Republic*. (Glasgow). . (Ed.). 1996 *Roman Statutes*. Vol. 2. London.
- David, J. M., Demougin, S., Deniaux, E., Ferey, D., Flambard J. M., and Nicolet, C.

1973. *Le 'Commentariolum Petitionis' de Quintus Cicéron: Etat de la Question et Étude Prosopographique*, ANRW 1.3: 239–277.
- Deniaux, E. 2006. "Patronage." In Rosenstein N. & Morstein-Marx R. (Eds.): 401–421.
- Drummond, A. 1989. "Rome in the Fifth Century." In *Cambridge Ancient History* 7.2. 2nd edition (Cambridge): 113–243.
- Dyck, A. R. 2004. *A Commentary on Cicero, De Legibus*. (Ann Arbor).
- Eckstein, A. M. 1995. *Moral Vision in the 'Histories' of Polybius*. (Berkeley, Los Angeles and London).
- Eder, W. 1986. "The Political Significance of the Codification of Law in Archaic Societies: an Unconventional Hypothesis." In Raaflaub K. (Ed.): 262–300.
- Eussner, A. 1872. *Commentariolum Petitionis Examinatum et Emendatum* (Würzburg, Thein).
- Evans, J. K. 1980. "*Plebs Rustica*. The Peasantry of Classical Italy." *AJAH* 5: 134–173.
- Feig Vishnia, R. 1989. "The *lex Atinia de tribunis plebis in senatum legendis*." *MH* 46:163–176.
- Feig Vishnia, R. 1996. *State, Society and Popular Leaders in Mid-Republican Rome 241–167 B.C.* (London and New York).
- Feig Vishnia, R. 1996a. "The *Transitio ad Plebem* of C. Servilius Geminus." *ZPE* 114: 289–298.
- Feig Vishnia, R. 1998. "The Refusal of the Centuriate Assembly to Declare War on Macedon (200 BCE): A Reappraisal." *SCI* 17: 34–44.
- Feig Vishnia, R. 2008. "Written Ballot, Secret Ballot and the *iudicia publica*: A note on the *leges tabellariae* (Cic. *De legibus* 3.33–39)." *Klio* 90/2: 334–346.
- Ferenczy, F. 1976. *From a Patrician State to the Patricio-Plebeian State*. (Amsterdam).
- Flower, H. I. 1996. *Ancestor Masks and Aristocratic Power in Roman Culture*. (Oxford).
- . (Ed.). 2004. *The Cambridge Companion to the Roman Republic* (Cambridge).
- Flower, H. I. 2010. *The Roman Republics*. (Princeton and Oxford).
- von Fritz, K. 1954. *The Theory of the Mixed Constitution in Antiquity*. (New York).
- Gelzer, M. 1969. *The Roman Nobility*. Eng. tr. R. Seager. (Oxford).
- Gruen, E. S. 1966. "P. Clodius Pulcher—Instrument or Independent Agent?" *Phoenix* 20: 120–130.
- Gruen, E. S. 1968. *Roman Politics and the Criminal Courts, 149–70 B.C.* (Cambridge Mass.).
- Gruen, E. S. 1974. *The Last Generation of the Roman Republic*. (Berkeley).
- Gruen, E. S. 1991. "The Exercise of Power in the Roman Republic." In Molho, A., Raaflaub, K. and Emlen, J. (Eds.): 215–234.
- Hall, U. 1990. "Greeks and Romans and the Secret Ballot." In Carik E. M. (Ed.): 191–199.
- Hamilton, C. D. (1969). "*The Tresviri Monetales* and the Republican *Cursus Honorum*." *TAPA* 100: 181–199.
- Harris, W. V. 1976. "The Development of the Quaestorship." *CQ* 26: 92–106.
- Harris, W. V. 1989. *Ancient Literacy*. (Cambridge Mass.).
- Harris, W. V. 1990. "On Defining the Political Culture of the Roman Republic." *CPh* 85: 288–294.
- Hellegouarc'h, J. 1963. *Le Vocabulaire Latin des Relations et des Partis Politiques sous la République*. (Paris).
- Henderson, M. I. 1950. "*De Commentariolo Petitionis*." *JRS* 40: 8–21.
- Hendrickson, G. L. 1982. "On the Authenticity of the *Commentariolum Petitionis* of Quintus Cicero." *AJPh* 13: 200–212.
- Hill, H. 1952. *The Roman Middle Class in the Republican Period*. (Oxford).
- Hölkeskamp, K. J. 1987. *Die Entstehung der Nobilität*. (Stuttgart).
- Hill, H. 1993. "Conquest, Competition and Consensus: Roman Expansion in Italy and

- the Rise of the Nobilitas." *Historia* 42: 12–39.
- Hill, H. 2010. *Reconstructing the Roman Republic: An Ancient Political Culture and Modern Research*. (Princeton and Oxford).
- Hollander, D. B. 2002. *Money in the Late Roman Republic*. (Leiden and Boston).
- Homo, L. 1929. *Roman Political Institutions*. Eng. tr. M. R. Dobie. (London).
- Hopkins, K. 1978. *Conquerors and Slaves*. (Cambridge). . 1983. *Death and Renewal*. (Cambridge).
- Humbert, M. 1978. *Municipium et Civitas Sine Suffragio: L'organisation de la conquête Jusqu'à la Guerre Sociale*. (Rome).
- Jaczynowska, M. 1962. "The Economic Differentiation of the Roman Nobility at the end of the Republic." *Historia* 11: 486–499.
- Jehne, M. 2006. "Methods, Models and Historiography." In Rosenstein, N. and Morstein-Marx, R. (Eds.): 14–25.
- Jones, A. H. M. 1972. *The Criminal Courts of the Roman Republic and Principate*. (Oxford).
- Keaveney, A. 1982. *Sulla, the Last Republican*. (London).
- Kelley, G. P. 2006. *A History of Exile in the Roman Republic*. (Cambridge).
- Kunkel, W. 1996. *An Introduction to Roman Legal and Constitutional History*. Eng. tr. J. M. Kelly. (Oxford).
- Linderski, J. 1985. "Buying the Vote: Electoral Corruption in the Late Republic." *Ancient World* 11: 87–94.
- Linderski, J. 1986. "Religious Aspects of the Conflict of the Orders: The Case of *confarreatio*." In K. A. Raafaub (Ed.). *Social Struggles in Archaic Rome*: 244–261.
- Lintott, A. W. 1968. *Violence in Republican Rome*. (Oxford).
- Lintott, A. W. 1990. "Electoral Bribery in the Roman Republic." *JRS* 80: 1–16.
- Lintott, A. W. 1992. *Judicial Reform and Land Reform in the Roman Republic*. (Cambridge).
- Lintott, A. W. 1999. *The Constitution of the Roman Republic*. (Oxford).
- Lovano, M. 2002. *The Age of Cina: Crucible of Late Republican Rome*. (Stuttgart).
- MacDermott, W. C. 1970. "*Commentariolum petitionis*." *Historia* 19: 384–385.
- MacMullen, R. 1980. "How Many Romans Voted?" *Athenaeum* 58: 454–457.
- Marshall, B. A. 1976. *Crassus, A Political Biography*. (Amsterdam).
- Meier, Ch. 1966. *Res Publica Amissa*. (Wiesbaden).
- Michels, A. K. 1967. *The Calendar of the Roman Republic*. (Princeton).
- Millar, F. 1984. "The Political Character of the Classical Roman Republic, 200–151 BC." *JRS* 74: 1–19 = idem, 2002a: 109–142.
- Millar, F. 1986. "Political Persuasion and the *Plebs* before the Social War." *JRS* 76: 1–11 = idem, 2002a: 143–161.
- Millar, F. 1989. "Political Power in Mid-Republican Rome: *Curia* or *Comitium*?" *JRS* 79: 138–150 = idem, 2002a: 85–108.
- Millar, F. 1995. "Popular Politics at Rome in the Late Republic," in Malkin I. and Rubinsohn Z. W. (Eds.). *Leaders and Masses in the Roman World* (Leiden): 91–113 = idem, 2002a: 162–182.
- Millar, F. 1998. *The Crowd in Rome in the Late Republic*. (Ann Arbor).
- Millar, F. 2002a. *Rome, the Greek World, and the East*. Vol I: *The Roman Republic and the Augustan Revolution*. Eds. H. M. Cotton and G. M. Rogers. (Chapel Hill).
- Millar, F. 2002b. *The Roman Republic in Political Thought*. (Hanover).
- Mitchell, R. E. 1990. *Patricians and Plebeians: The Origin of the Roman State*. (Ithaca).
- Molho, A., Raafaub, K. and Emlen, J. (Eds.). 1991. *City-States in Classical Antiquity and Medieval Italy*. (Stuttgart).
- Mommsen, Th. (1887–1888). *Römisches Staatsrecht*. 3rd edition. 3 Vols. (Graz).
- Morstein-Marx, R. 1988. "Publicity, Popularity and Patronage in the ." *CA* 17: 259–288.

- Mommsen, Th. 2004. *Mass Oratory and Political Power in the Late Roman Republic*. (Cambridge).
- Mouritsen, H. 2001. *Plebs and Politics*. (Cambridge).
- Nardo, D. 1970. *Il 'Commentariolum Petitionis'—La Propaganda Elettorale Nella 'ars' di Quinto Cicerone*. (Padova).
- Niccolini, G. 1932. *Il Tribunato Della Plebe*. (Milan). . 1934. *I Fasti dei Tribuni Della Plebe*. (Milan).
- Nicolet, C. 1966–1974. *L'Ordre Équestre a L'Époque Républicaine (312–343 av. J.-C.)* 2 Vols. (Paris).
- Nicolet, C. 1972. "Amicissimi Catilinae (Á Propos du *Commentariolum Petitionis*).” *REL* 50: 163–186.
- Nicolet, C. 1976. "L'idéologie du système centuriate et l'influence de la philosophie politique grecque.” In *Actes du Colloque : La filosofia greca ei il diritto romano*. Rome: 113–137.
- Nicolet, C. 1980. *The World of the Citizen in Republican Rome*. Eng. tr. P. S. Falla. (London).
- Nicolet, C. 2000. *Censeurs et Publicains*. (Paris).
- Nippel W. 1984. "Policing Rome.” *JRS* 74: 20–29. . 1995. *Public Order in Ancient Rome*. (Cambridge).
- Nisbet, R. G. M. 1964. "The *Commentariolum Petitionis*, Some Arguments against Authenticity.” *JRS* 51: 84–87.
- North, J. A. 1990. "Democratic Politics in Republican Rome.” *Past and Present* 126: 277–287.
- North, J. A. 2000. *Roman Religion*. (Cambridge).
- North, J. A. 2006. "The Constitution of the Roman Republic.” In Rosenstein and Morstein-Marx (Eds.): 256–278.
- Oakley, S. P. 1997. *A Commentary on Livy Books VI–X*. Vol. I. (Oxford). . 2004. "The Early Republic.” In Flower, H. (Ed.): 15–30.
- Oates, W. J. 1934. "The Population of Rome.” *CPh* 29: 101–116.
- Ogilvie, R. M. 1965. *A Commentary on Livy Books 1–5*. (Oxford).
- Patterson, J. R. 2000. *Political Life in the City of Rome*. (Bristol).
- Powell, J. G. F. 2001. "Were Cicero's Laws the Laws of the Republic?" and North, J. and Powell, J. G. F. (Eds.): 17–41.
- Powell, J. G. F. 2001. Powell, J. G. F. and North, J. (Eds.) *Cicero's Republic*. (London).
- Purcell, N. 1994. "The City of Rome and the *Plebs Urbana* in the Late Republic.” In *Cambridge Ancient History*. 2nd edition. (Cambridge): 644–728.
- Raaflaub, K. A. (Ed.). 1986. *Social Struggles in Archaic Rome*. (Berkeley).
- Richard, J. C. 1988. "Historiographie et Histoire: L'Expédition des Fabii à la Crémère.” *Latomus* 47: 526–553.
- Richardson, J. S. 1971. "The *Commentariolum Petitionis*.” *Historia* 20: 436–442.
- Rickman, G. 1980. *The Corn Supply of Ancient Rome*. (Oxford).
- Rosenstein, N. and Morstein-Marx, R. (Eds). 2006. *A Companion to the Roman Republic*. (Malden, Oxford, and Victoria).
- Ryan, F. R. 1998. *Rank and Participation in the Roman Senate*. (Stuttgart).
- Saller, R. 1989. "Patronage and Friendship in Early Imperial Rome: Drawing the Distinction.” In Wallace-Hadrill (Ed.): 49–62.
- Scullard, H. H. 1973. *Roman Politics, 220–150 B.C.* 2nd edition. (Oxford).
- Sellers, M. N. S. 2006. "The Roman Republic and the French and the American Revolution.” In Flower, H. (Ed): 347–364.
- Shackleton Bailey, D.R. (1970). "The Prosecution of Roman Magistrates-Elect.” *Phoenix* 24: 162–165.
- Shatzman, I. 1975. *Senatorial Wealth and Roman Politics*. Bruxelles. Sherwin-White,

- A. N. 1973. *The Roman Citizenship*. (Oxford).
- Smith, Ch. 2006. *The Roman Clan. The Gens from Ancient Ideology to Modern Anthropology*. (Cambridge).
- Staveley, E. S. 1972. *Greek and Roman Voting and Elections*. (London). Stockton, D. L. 1979. *The Gracchi*. (Oxford).
- Sumner, G. V. 1982. "The *Coitio* of 54 BC, or Waiting for Caesar." *HSCPh* 86: 133–139.
- Suolahti, J. 1955. *The Junior Officers of the Roman Army in the Republican Period*. (Helsinki).
- Syme, R. 1939. *The Roman Revolution*. (Oxford).
- Tatum, J. W. 1999. *The Patrician Tribune: Publius Clodius Pulcher*. (Chapel Hill and London).
- Tatum, J. W. 2007. "Alterum est Tamen Boni Viri, Alterum Boni Petitoris: The Good Man Canvasses." *Phoenix* 61: 109–134.
- Taylor, L. R. 1949. *Party Politics in the Age of Caesar*. (Berkeley).
- Taylor, L. R. 1960. *The Voting Districts of the Roman Republic*. (Rome).
- Taylor, L. R. 1966. *Roman Voting Assemblies*. (Ann Arbor).
- Taylor, L. R. Scott, R. T. 1969. "Seating Space in the Roman Senate and the *Senatores Pedarii*." *TAPA* 100: 529–582.
- Toynbee, A. J. 1965. *Hannibal's Legacy*. 2 Vols. (Oxford).
- Treggiari, S. 1969. *Roman Freedmen during the Late Republic*. (Cambridge).
- Walbank, F. W. 1957–1979. *A Historical Commentary on Polybius*. 3 Vols. (Oxford).
- Walbank, F. W. 1972. *Polybius*. (Berkeley).
- Walbank, F. W. 2000. *Polybius, Rome and the Hellenistic World*. (Cambridge). Wallace-Hadrill, A. (Ed.)
- Walbank, F. W. 1989. *Patronage in Ancient Society*. (London). Watson, A. 1975. *Rome of the XII Tables*. (New Jersey).
- Wiseman, T. P. 1969. "The *Census* in the First Century B.C." *JRS* 59: 59–75. . 1971. *New Men in the Roman Senate*. (Oxford).
- Wirszubski, Ch. 1950. *Libertas as a Political Idea at Rome during the Late Republic and Early Principate*. (Cambridge).
- Yakobson, A. 1993. "Dionysius of Halicarnassus on a Democratic Change in the Centuriate Assembly." *SCI* 12: 139–155.
- Yakobson, A. 1995. "Secret Ballot and its Effects in the Late Roman Republic." *Hermes* 123: 426–442.
- Yakobson, A. 1999. *Elections and Electioneering in Rome*. (Stuttgart).
- Yakobson, A. 2010. "Traditional Political Culture and the People's Role in the Roman Republic." *Historia* 30: 1–21.
- Yavetz, Z. 1958. "The Living Conditions of the Urban *Plebs* in Republican Rome." *Latomus* 17: 500–517.
- Yavetz, Z. 1974. "Existimatio, Fama, and the Ides of March." *HSCPh* 78: 35–65.
- Yavetz, Z. 1983. *Julius Caesar and His Public Image*. (New York).

Index

A

- Abrogatio imperii*, 65, 148 *absolvo*, 93, 101
acclamatio, 93
Achaean, League, 62
Actium, battle of, 60
aedes, 71
aediles, plebeian, 23, 65, 71, 83, 85, 96, 98, 131, 138; curule, 71, 83, 85, 96, 98, 122, 131, 138, 145, 156n38
aedilicii, 85
Aemilianus. *See* Cornelius Scipio Aemilius Lepidus, Marcus, (cos. 78), 15 Aeneas, 1
aerarium 72, 88
Afranius, Lucius (cos. 60), 24, 82, 144 Africa, province of, 8, 9, 10, 11, 12, 21 *ager publicus*, 32, 33
ager Romanus, 3
agnomen, 155n17
Agrippa, Marcus, 7
album, 106
alliances/allies, 2, 3, 6, 11, 25, 26, 48, 89, 90
ambire, 134
ambitio, 134
ambitus, and *largitio* 138; and money bribes, 139–146; characteristics of, 137; legislation against, 135–137, 138. *See also* elections: electoral abuse
amici, 42, 112, 116
amicitia, 116–118
Anchises, 1
Ancus Marcius, 1
Annius Milo, Titus, 28, 29, 41, 168n111 *antiquo*, 93 Antonius Hybrida, Gaius (cos. 63), 22, 23, 67, 108, 113, 118, 136, 139, 144
Antonius, Marcus (praet. 74), 19 Antonius, Marcus (cos. 99), 22 Antonius, Marcus (Mark Antony), 30, 47, 91, 117, 159n54 appeal, right of. *See provocatio* Appuleius Saturninus, Lucius, 10, 159n54
aqua Appia, 78
aquae et ignis interdictio, 101 Arausio (modern Orange), 8, 10 *argentarii*, 31
Ariminum (modern Rimini), 30, 78 Aristion, 12
Arpinum (modern Arpino), 9, 22, 35, 46, 47
Asconius Pedianus, ix
Asia, province of, 6, 12, 13, 25, 50, 109
Assemblies. *See comitia*
Athens, 12, 104
Atticus. *See* Pomponius Atticus Attus Clausus. *See* Claudius Appius Aufidius Lucro, 139
augures 146
Augustus. *See* Julius Caesar, Gaius (Octavianus)
Aulus Gellius, 109 *auspiciu/auspicia* 94, 106, 123 *auxilium/ius auxilii ferendi*, 67, 68, 73, 74, 90. *See also* tribunes of the *plebs*

B

Beneficium/beneficia, 40 *benignitas*, 137 *boni*, 164n12

Brunt, P. A., 116 Brutus. *See* Iunius Brutus

C

Caecilius Metellus Creticus, Quintus (cos. 69), 19

Caecilius Metellus Numidicus, Quintus (cos. 108), 9, 12, 156n46 Caecilius Metellus Pius, Quintus (cos. 80), 17

Caecilius Metellus Pius Scipio Nasica, Quintus (cos. 52), 17 Caesar. *See* Julius Caesar calendar, 92, 98, 102, 106 Calpurnius Bibulus, Marcus 9 (cos. 59), 25, 44

Calpurnius Piso, Gaius (cos. 67), 136 Calpurnius, Gaius (trib. pleb. 149), 99

Campania, 26, 34, 76, 78

campus Martius, 77, 96, 97, 119, 120, 121, 125, 127, 133, 161n105 *candidatus* 112, 135

Cannae, battle of, 8, 63

capita plebis, 44

capite censi, 36, 155n13

Capitol, 85

Capua, 16, 76

career ladder. *See* *cursus honorum* Carthage, 2, 4, 62, 70, 111, 111 Catilinarian conspiracy, 23–24, 25, 27 Catiline. *See* Sergius Catilina Crassus. *See* Licinius Crassus

Cassius Dio, x, 24

Cato. *See* Porcius Cato

cavalry. *See* *equites*

centuriate assembly. *See* *comitia centuriata*

censors, 6, 18, 27, 33, 37, 38, 49, 50, 64, 69, 72, 70–79, 81, 84, 85, 87, 88, 95, 105, 128, 136, 148, 159n61, n62, 160n72, 161n102; *nota censoria*, 78; *lectio senatus*, 78, 84; *lustrum/lustra*, 78, 159n62, 160n68; *regimen morum*, 79. *See* also *album senatorum*; *census*

census, 18, 21, 32, 35, 36–38, 49, 51, 77, 78, 113, 114, 122, 125, 128, 143, 147

centuria praerogativa, 95, 123, 139, 141, 142

centuriae/centuries, 31, 35, 36, 38, 41, 48, 61, 94, 95, 113, 114, 122, 123, 126, 128, 129, 139, 142, 143, 144

Cicero. *See* Tullius Cicero

Cilicia, 19, 27, 103, 158n34

cista/ cistae, 93, 121, 122

citizenship, Roman, 6, 7, 9, 11, 21, 32, 33, 34, 35, 37, 47, 52, 53, 61, 77, 78, 91, 95, 98, 99, 124 *civitas Romanorum*, 60

civitas/ civitates sine suffragio, 47 clans. *See* *gentes*

classis system, 31, 36, 95, 114, 122, 123, 126, 127, 128

Claudii, 39

Claudius Marcellus, Gaius (cos. 50), 29 Claudius, Appius (cos. 495), 43 Claudius Caecus, Appius (cens. 312), 78

Claudius, Quintus (trib. pleb. 218), 50, 87

clients (*clientes*), 39–42, 43, 53, 102, 112, 117, 150, 155n24

Clodius Pulcher, Publius (trib. pleb. 58), 20, 24, 25, 27, 28, 41, 56, 79, 85, 133,

159n57, 161n105 *coercitio*, 68, 73, 80
cognomen, 39
coitio, 113, 114, 117–119, 120, 139, 142, 144. *See also* elections *collegium/collegia*, 27, 55–57, 114 *comitia*, 92, 120, 139; *gratuita*, 135, 148, 163n42
comitia centuriata, 35, 38, 41, 67, 68, 70, 76, 77, 81, 88, 91, 94–96, 97, 99, 103, 119, 122, 124, 126, 127, 128, 133, 147, 150, 151 *comitia curiata*, 32, 91, 93–94; *lex curiata de imperio*, 94
comitia tributa, 71, 72, 75, 96 *comitiatus maxumus*, 61, 91 *comitium*, 133, 161n105
Commentariolum Petitionis, ix, 55, 108
compitalia, 35, 56
conciliabula, 135
concilium plebis, 4, 12, 32, 66, 71, 73, 74, 82, 87, 96–97, 99, 115, 119, 148
Concordia, temple of, 7
consilium, 101
 consular elections, 13 17, 18, 20, 21, 28, 68, 71, 86, 87, 88, 108, 110, 111, 113, 118, 125, 141 *consulares*, 21, 69, 85, 115, 161n102 *consuls/consulship/consulate*, 12, 18, 21, 22, 25, 26, 29, 41, 46, 47, 61, 65, 66–69, 71, 73, 112, 117, 136, 152; *suffectus*, 67 *contio/contiones*, 41, 92, 98, 106, 112, 120, 144, 150
 Corinth, 2, 62
 Cornelii, 39
 Cornelius Cinna, Lucius (cos. 87; 86–84), 13–15, 25
 Cornelius Dolabella, Gnaeus (cos. 81), 103
 Cornelius Nasica, Publius (cos. 138), 4–5
 Cornelius Scipio Aemilianus, Publius (cos. 147, 134), 4, 8, 53, 62, 111 Cornelius Scipio, Publius (Africanus) (cos. 205), 53, 62, 111, 155n17 Cornelius Sulla, Lucius, 12–16, 17, 18, 19, 20, 22, 24, 25, 51, 68, 70, 72, 74, 79, 81, 82, 84, 85, 86, 87, 90, 100, 102, 106, 107, 130, 131, 132, 134, 135, 136, 143 Cornelius, Gaius (trib. pleb. 67), 136 Corsica, 2, 159n39
co-viria, 60
 Crassus. *See* Licinius Crassus
 criminal courts, 14, 16, 18, 22, 45, 51, 89, 97–104, 112, 132. *See also* *cura urbis*, 71
curia (senate house), 85, 161n105 *curia/ curiae*, 32, 42
cursus honorum, 65, 75, 83–84, 107, 112, 130 *custodes*, 93, 121

D

Dardanos, treaty of, 13 *Decemviri stlitibus iudicandis*, 75 deal, political. *See* *coitio* Delphi, 8
 dictator, 14, 15, 22, 25, 45, 65, 67, 73, 79–81, 87, 94, 96, 105, 119, 123, 126; *comitorum habendorum causa*, 80; *legibus scribundis et rei publicae constituendae*, 81; *perpetuo*, 81; *rei gerundae causa*, 103
diem dicere, 98
dies comitiales, 92, 107
dies fasti, 92
dies nefasti, 92
dignitas, 26, 30, 144, 151
dictatus, 67, 89 Dio Cassius. *See* Cassius Dio Dionysius of Halicarnassus, 36, 40, 80
diribitio, 93, 121, 122
divisores, 140, 141, 146
 Drusus. *See* Livius Drusus
duoviri curatores viarum, 75–76 *duoviri viis extra urbem purgandis*, 75–76

E

elections, [29](#), [56](#); candidature [107–108](#); counting the votes and declaring results, [119–123](#); electioneering [108–114](#); electoral abuse, [29](#), [56](#), [134–138](#). See also *ambitus*; equal elections, [127–129](#); general elections and universal suffrage, [123–125](#); how many citizens voted? [125–127](#); ideological platforms, [111](#), [114–115](#); parties, [114–119](#); political deals [114–119](#). See also *coitio*; preliminary procedures, [106–107](#); representatives of the people, [148–149](#); secrecy of vote [129–134](#)
equites, [2](#), [6](#), [8](#), [14](#), [18](#), [20](#), [24](#), [25](#), [26](#), [36](#), [48–51](#), [64](#), [78](#), [90](#), [94](#), [100](#), [104](#), [129](#); census of, [45](#), [49](#), [50](#), [51](#), [64](#), [124](#); *centuriae* of, [95](#), [123](#), [126](#), [142](#); *equites equo privato*, [48](#); *equites equo publico*, [48](#), [78](#); *ordo equester*, [45](#), [48](#), [51](#), [58](#), [112](#). See also *publicani*
Etruria, [14](#), [15](#), [24](#), [78](#)
exercitus urbanus, [96](#)

F

Fabian, *gens*, [42](#)
Fabius Maximus Verrucosus, Quintus
(*Cunctator*), [66](#) *factio/factiones*, [117–119](#) *familiares*, [42](#)
fascēs, [67](#), [79](#)
fides, [40](#)
Field of Mars. See *campus Martius* Flaminius, Gaius (cos. 223/217), [78](#) Florus, [26](#)
föderati, [34](#)
Forum (*Romanum*), [5](#), [6](#), [26](#), [27](#), [40](#), [41](#), [51](#), [55](#), [61](#), [78](#), [97](#), [98](#), [102](#), [112](#), [119](#), [121](#), [133](#), [137](#), [150](#) freedmen. See *liberti/libertini*

G

Gabinus, Aulus (cos. 58), [19](#) Gabinus, Aulus (trib. pleb. 139), [130](#)
Gelzer, M., [41](#), [45–46](#) *gens/gentes*, [32](#), [38–39](#), [42](#), [145](#) Germanic, tribes, [8](#), [10](#), [66](#), [111](#) Gracchus. See Sempronius Gracchus

H

Hannibal, [63](#), [111](#)
haruspices, [158n30](#)
Henderson, M. I., [111](#)
Hölkeskamp, K.-J., [150](#)
Hortensius, Quintus (cos. 69), [22](#) Hortensius, Quintus (dict. 287), [73](#), [88](#)

I

Ianiculum, [96](#), [120](#)
imagines/ius imaginum, [45](#), [48](#), [113](#) *imperium*, [9](#), [15](#), [25](#), [28](#), [60](#), [61](#), [65](#), [67](#), [68](#), [69](#), [71](#), [72](#), [77](#), [79](#), [80](#), [81](#), [82](#), [89,90](#), [94](#), [96](#), [119](#), [148](#); *abrogatio imperii* [65](#), [148](#); *imperium domi*, [67](#), [69](#); *imperium militiae*, [67](#); *prorogatio imperii*, [81](#), [82](#), [89](#)
interpretes, [140](#), [168n108](#). See also *ambitus interrex/interregnum*, [81](#), [87](#), [93](#), [96](#), [162n119](#)

iudices, 14, 16, 18, 21, 22, 24, 25, 45, 50, 59, 70, 89, 92, 97–104, 131, 124, 141, 152. *See also* criminal courts
iudicia populi, 98, 104
iuniores, 36, 94, 95, 123, 126, 142. *See also* centuriate assembly
Iunius Brutus, Lucius (cos. 509), 61
ius agendi cum plebe, 91, 144
ius agendi cum populo, 67, 91, 144
ius honorum, 33, 64, 106, 124 *intercessio*/ *ius intercessionis*, 4, 73, 74. *See also* tribunes of the *plebs ius suffragii*, 33, 93, 124
Iuventius Laterensis, Marcus, 145, 169n31

J

Judea, 20
Judges. *See iudices*
Jugurtha, 12, 111
Julius Caesar, Gaius, 15, 23, 24, 25, 26, 27, 29, 30, 39, 43, 47, 56, 72, 76, 81, 82, 84, 86, 103, 104, 117, 118, 125, 126, 139, 144
Julius Caesar, Gaius (Octavianus, the future Augustus), 5, 38, 43, 47, 60, 61, 84, 86, 117, 125
Julii, 39
Jupiter, 60, 67
Jupiter Optimus Maximus, temple of, 85
Juvenal (Decimus Iunius Iuvenalis), 53, 149

K

Knights. *See equites*

L

Laelius, Gaius (*Sapiens*), 4
largitio, 137, 138, 148
latifundia, 2, 51
Latium, 1, 19, 32, 33, 34, 37, 51
laws/ leges, 97; *leges Caeciliae Didiae*, 92, 107; *leges Genuciaae*, 65–66; *leges Liciniaee Sextiae*, 66; *leges Porciae*, 68; *leges tabellariae*, 93, 129, 131; *lex Atinia*, 85; *lex Aurelia*, 18, 51, 100, 101, 104; *lex Calpurnia de ambitu*, 136, 146; *lex Calpurnia iudicaria*, 99; *lex Cincia*, 40, 102; *lex Claudia*, 50, 54, 87; *lex Coelia*, 129, 132; *lex Cornelia Baebia de ambitu*, 135; *lex Cornelia de ambitu*, 135; *lex Cornelia Fulvia de ambitu*, 167n79; *lex curiata de imperio*, 94; *lex Gabinia tabelaria*, 129, 134; *lex Gabinia*, 82; *lex Hortensia*, 73, 88, 97; *lex licinia de sodalicis*, 140–141; *lex Manilia*, 82; *lex Maria*, 121, 131, *lex Ovinia*, 78, 84, 87, 88; *lex Papiria*, 129; *lex Poetelia*, 73; *lex Poetelia de ambitu*, 135; *lex Trebonia*, 82; *lex Tullia de ambitu*, 136; *lex Valeria de provocatione*, 80; *lex Villia Annalis*, 83
legis actiones, 40
libertas, 61, 124, 132 *liberti/libertini*, 3, 31, 33, 40, 41, 51, 52–55, 77, 114, 124, 128, 151, 157n72
Licinius Crassus, Gaius (trib. pleb. 145), 133 Licinius Crassus, Marcus (cos. 70/55), 14, 17, 18, 25, 26, 27, 28, 29, 75, 82, 117, 130, 133, 141, 146 Licinius Lucullus, Lucius (cos. 74), 19–20; 24

Licinius Murena, Lucius (cos. 62), [140](#), [142](#), [145](#), [169n125](#)
lictors, [23](#), [74](#)
 Lintott, A., [141–142](#)
 Livius Drusus, Marcus (trib. pleb. 91), [11](#)
 Livy (Titus Livius), [36](#), [37](#), [44](#), [59](#), [61](#), [76](#), [80](#), [83](#), [94](#), [135](#)
 Luca, [28](#)
 Lucceius, Lucius, [118](#), [139](#), [142](#), [144 ludi](#), [71](#)
lustrum/lustra, [78](#), [159n62](#), [160n68](#) Lutatius Catulus, Quintus (cos. 78), [144](#)
 Lycurgus, [59](#)

M

Macedonia, [2](#), [8](#), [13](#)
magister equitum, [80](#), [81](#). *See also*
 dictator
magister populi, [79](#), [80 magistratus](#), [158n21](#)
magistri [35](#), [56](#)
 Manilius, Gaius, [82](#), [159n54](#) manumission, [37](#), [41](#), [52](#), [53](#), [54](#) Marius, Gaius, [9–10](#),
[11](#), [12](#), [13](#), [14](#), [15](#), [17](#), [22](#), [25](#), [38](#), [46](#), [47](#), [51](#), [66](#), [111](#), [113](#), [121](#), [131](#), [156n46](#)
 Mark Antony. *See* Antonius, Marcus Massilia (modern Marseille), [81](#), [101](#), [163n50](#)
 master of the horse. *See* *magister equitum*
 MacMullen, R., [125](#)
 Meier, Ch., [130](#)
 Menenius Agrippa, Gaius (cos. 503), [43](#) Military service, [9](#), [25](#), [33](#), [36](#), [51](#), [64](#), [75](#),
[107](#)
 Millar, F.G.B., [x](#), [150](#)
 Milo. *See* Annius Milo Mithridates, [11](#), [12](#), [13](#), [16](#), [19](#), [20](#), [23](#), [82](#)
 Mommsen, Th., [115](#)
 Montesquieu, Charles-Louis de Secondat, [97](#)
mos maiorum, [61](#)
 Mosaic law, [59](#)
 Mouritsen, H., [125–126](#), [142](#)
multa, [96](#), [98](#)
municipium/municipia, [9](#), [33–35](#), [112](#), [147](#) *munus*, [33](#)

N

Naples, [47](#), [81](#), [99](#)
negotiatores, [31](#)
nexum, [44](#), [52](#), [73](#)
 new man/new men. *See* *novus homo* Nicolet, C., [120](#), [125](#), [126](#) *nobilis/nobiles*, [31](#),
[45–48](#), [112](#), [113](#), [114](#)
nobilitas, [2](#), [45–48](#)
nomen gentilicium, [39](#) *nomenclator*, [110](#), [112](#), [144](#) North, J., [150](#)
novus homo/novi homines, [4](#), [31](#), [46–48](#), [51](#), [69](#), [110](#), [113](#), [130](#), [144](#), [147](#), [156n43](#)
 Numa Pompilius, [1](#)
 Numidia, [8](#), [12](#)
nummularii, [31](#) *nundina/nundinae*, [92](#), [135](#)

O

Officium/officia, 40
oikoumene, 62, 89
Opimius, Lucius (cos. 121), 6, 7, 90 *optimates*, 7, 90, 115, 116, 129, 133, 146
orders, conflict of, 1, 45, 80 *ordo*, definition of, 155n1 Ostia, 19, 72
ovile, 119
Ovinus, 78, 84

P

Pagus/pagi, 32, 35, 114
Palatine Hill, 102
Papirius Carbo, Gnaeus, (cos. 85/84/82), 13
Parthia, 28, 29, 82
pater/patres, 42
pater patriae, 24
paterfamilias, 47
patricians, 1, 42–44, 62, 66, 69, 70, 71, 72, 73, 74, 75, 76, 77, 80, 83, 87, 88, 96,
135 *patrocinium*, 39
patron-client relationship. *See* clients *patrum auctoritas*, 87–88 *peculium*, 54
pedarii, 85, 161n104
perduellio, 98, 99, 129 *peregrini*, 69
Pergamum, 4
petitio. *See* electioneering
Picenum, 17
pirates/piracy, 16, 18–19, 20, 23, 82, 138
Plancius, Gnaeus, 140, 141, 142, 145 *ple*, 43
plebeian assembly. *See* *concilium plebis* plebeians, 42–45, 62, 66, 67, 96, 135,
163n142 *plebiscitum/plebiscita*, 93, 97. *See also*
laws
plebs, 1, 42–44, 51, 73
plebs rustica. *See* rural *plebs*
plebs urbana. *See* urban *plebs* Plutarch, 5, 10, 22, 121, 131
Po, river, 34
poena legis, 101
Polybius, 49, 62, 63, 63, 75, 88, 89, 90, 91, 97, 99, 115, 150, 151, 152 Pompeius,
Gnaeus “*Magnus*”. *See*
Pompey
Pompeius Strabo, Gnaeus, (cos. 89), 17 *pomerium*, 25, 67, 79, 85, 96, 119 Pompey,
14, 16–20; 23–30, 68, 75, 82, 108, 109, 115, 117, 136, 141, 144, 146
Pomponius Atticus, Titus, 141
pons/ pontes, 120, 122, 131, 167n47 *pontifex maximus*, 5, 25, 27, 93, 144 Pontus, 11,
82
populares, 7, 115, 116; *via popularis*, 182
populus Romanus, 31, 37, 57, 58 Porcius Cato, Marcus (the Elder), 5, 54, 59, 156n43
Porcius Cato, Marcus (the Younger), 23, 24–26, 27, 28, 116, 118, 120, 121, 125,
131, 139, 144, 145, 164n14
potestas, 65
praefecti Capuam Cumas, 76 *praenomen*, 39
praeteriti, 85
praetorii, 85 praetors/praetorship, 15, 17, 18, 21, 22, 13, 18, 46 47, 65, 66, 67–71,
81, 82, 94, 95, 96, 98, 99, 112, 135, 136; as chief magistracy, 66; position in the
career ladder, 83–84, *praetor peregrinus*, 69, 99; *praetor urbanus*, 69, 70, 76;

presidents of the criminal courts, 100–101; *propraetors*, 25, 70, 82, 109
princeps senatus, 117
professio, 107–108. *See also* elections: candidature *proletarii/proles*, 9, 33, 36, 94, 95, 155n13. *See also capite censi* Promagistrates, 81–82. *See also* consuls: proconsuls; praetors: *propraetors*; quaestors: *proquaestors prorogatio imperii*, 81, 89
proscriptiones, 32
prosopopoeia, 108 *provincia/provinciae*, 65, 88 *provocatio (ad populum) / ius provocationis* 7, 67, 68, 73, 80, 90 *publicani*, 6, 8, 11, 25, 31, 48–50, 54, 78, 87, 112 *publicans*. *See publicani* Publius Philo, Quintus, (cos. 339/327/320/315), 81
puncta/punctae, 120, 134

Q

Quattuorviri viarum curandarum, 75 *quaestio de rebus repetundis*, 50, 90, 99. *See also* criminal courts *quaestio perpetua/quaestiones perpetuae*. *See also* criminal courts *quaestiones extraordinariae*, 99 *quaestores parricidii*, 72, 159n45 *quaestorii*, 85
 quaestors/quaestorship, 16, 66, 70, 71, 72–75, 79, 85, 88, 96, 97, 120, 126, 136, 145; position in the career ladder, 83; *proquaestors*, 72, 82
quattuorviri viis in urbe purgandis, 75 *quattuorviri*, 35
 Quintion, 54
Quirites, 60, 92, 120

R

Ravenna, 28, 30
regimen morum, 79. *See also* censors *res publica*, 60; *libera*, 61; *vetus*, 61 Rhodes, 25
rogator/rogatores, 93, 129, 129 *Romulus*, 1, 25, 37, 39, 42, 48, 55, 60, 67
rural plebs, 51–52, 143

S

Sabines, 60 *sacrosancitas*, 73, 74
saepta, 119, 120, 121, 125
saepta Iulia, 125, 126, 131, 133 Sallust (Gaius Sallustius Crispus), 7, 8, 10, 46, 104, 117
salutatio, 40
 Samnium, 14
 Sardinia, 2, 70, 159n40
 Saturninus. *See* Appuleius Saturninus Scipio. *See* Cornelius Scipio Scordisci, 8
 Seleucid Empire, 2, 20
sella curulis, 65
 Sempronius Gracchus, Gaius, 5–6, 7, 12, 27, 45, 50, 51, 54, 88, 90 Sempronius Gracchus, Tiberius, 3–5, 6, 7, 19, 53, 74, 134, 148, 149 senate (*senatus*), 1–30, *passim*, 31, 34, 42, 46, 49, 50, 55, 56, 57, 63, 64, 65, 66, 67, 68, 69, 70–72, 74, 77, 78, 79, 84–90, 99, 103, 109, 115, 116, 129, 130, 133, 135, 136. 137, 146; *album senatorum*, 84, 87; composition and procedures, 84–87; *ius agendi cum patribus/senatu*, 67, 74, 86; *ordo senatorius*, 31, 51; *patres conscripti*, 161n94; patrician prerogatives, 87–88; *pedarii*, 85, 161n104; *plenus senatus*, 86, 161n114; powers and roles, 88–91; *princeps senatus*, 77, 86, 87; *prorogatio imperii*, 82; *senatus consultum ultimum*, 10, 25, 27, 68; *senatus consultum/consulta*, 86, 88, 146 *seniores*, 36, 94, 95, 123, *See also*

centuriate assembly *sequestres*, 139, 140, 141, 168n99, 168n108. See also *ambitus*
 Sergius Catilina, Lucius (Catiline), 21, 22, 23–24, 47, 48, 108, 113, 118, 136, 139, 143, 144, 145, 147
 Sertorius, Quintus, 15, 17
 Servilius Vatia Isauricus, Publius (cos. 79), 144
 Servius Tullius, 1, 32, 36, 37, 42, 44, 48, 76, 93, 94, 162n126, 157n72
sex suffragia, 48
 Sextus Roscius (of Ameria), 103 Shatzman, I., 144 Sicily, 2, 1, 18, 22, 70, 159n47
 Socail War, 11, 12, 17, 21, 32, 32, 35, 38, 79, 89, 146, 147, 163n150 *societas/societates*, 49, 50
socii. See alliances/allies *sodalis/sodalitas/sodalitates*, 55, 114, 140, 141, 145, 146.
 See also *ambitus*
sordidi, 54
 Spain, 2, 3, 8, 15, 17, 25, 50, 82, 111
 Sparta, 59
 Spartacus, 16, 17, 18
 SPQR (*senatus populusque Romanus*), 57
 Staveley, E.S., 122, 167n74
 Sulla. See Cornelius Sulla
 Sulpicius Rufus, Publius (trib. pleb. 88), 12, 14
 Sulpicius Rufus, Servius (praet. 65), 145 Sumptuary laws, 111
 Syme, Sir R., 24, 46, 116
 Syria, 20, 28, 29, 82

T

Tablinum, 45, 48
 Tacitus, 60, 61, 62
 Tarquinius Priscus, 1
 Tarquinius Superbus, 1, 42, 60 Taylor, Ross L., 116, 117, 125, 126, 147
templum, 85, 119
 Terentius Varro, Marcus, 51, 67, 109 Tiber, 96, 120
toga candida, 112, 135
toga praetexta, 65
transitio ad plebem, 27, 75
tresviri capitales, 76
tresviri monetales/ tresviri aere argento auro flando feriundo, 76
tresviri nocturni, 76
 tribal assembly. See *comitia tributa tribules*, 33, 120, 121
 tribunes of the *plebs*, 4, 15, 16, 18, 19, 65, 67, 68, 71, 72, 73–75, 79, 80, 85, 89, 96, 97, 98, 100, 115, 119, 120, 130, 136, 149, 159n54, 160n65, 163n148
tribuni aerarii, 18, 51, 100, 104. See also criminal courts
tribuni militum consulari potestate, 44
tribuni militum, 75 *tribunicii* 85, 161n103
tribus, 31, 32–33, 163n150
tributum, 38, 77, 88
trinundinum, 92, 98, Triumvirate, the First, 26, 28, 82, 117 Tullius Cicero, Marcus, 4, 23–30, 35, 38, 39, 46, 47, 48, 51, 54, 55, 57, 60, 62, 63, 64, 67, 68, 87, 94, 101, 102, 103, 107, 108, 109, 110, 11, 112, 113, 114, 116, 118, 124, 129, 131, 132, 133, 134, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 152
 Tullius Cicero, Quintus, 108, 109, 110
 Tullus Hostilius, 1, 165n105 Tusculum, 33

U

Uti rogas, [93](#), [165n56](#) urban *plebs*, [52](#), [57](#), [143](#)

V

Varro. *See* Terentius Varro Vatinius, Publius, [26](#), [159n54](#) Veii, [42](#)

Venus, [1](#)

Verres, Gaius, [22](#), [139](#)

via Appia, [19](#), [28](#), [76](#), [78](#)

via Flaminia, [78](#)

via sacra, [55](#)

vicus/vici, [35](#), [53](#), [56](#) *vigintisexviri*, [75](#)

virtus, [47](#)

Y

Yakobson, A., [130](#), [142](#)